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7 Attorneys for Defendant  
8 JPMORGAN CHASE BANK, N.A., AS ACQUIRER OF  
CERTAIN ASSETS AND LIABILITIES OF WASHINGTON  
9 MUTUAL BANK FROM THE FEDERAL DEPOSIT  
INSURANCE CORPORATION ACTING AS RECEIVER FOR  
10 WASHINGTON MUTUAL BANK

11  
12 **UNITED STATES BANKRUPTCY COURT**  
13 **NORTHERN DISTRICT OF CALIFORNIA**  
14

15 In re

16 JAMES MADISON KELLEY,  
17 Debtor.

18 JAMES MADISON KELLEY,  
19 Plaintiff,

20 v.

21 JPMORGAN CHASE BANK, NA and  
22 DOES 1-19,  
23 Defendants.

Case No.: 08-55305 ASW

**Adversary Case No.: 10-05245**  
(Chapter 11)

**JUDGE: Honorable Arthur S.  
Weissbrodt**

**JPMORGAN CHASE BANK, N.A.'S  
SEPARATE STATEMENT IN  
SUPPORT OF OPPOSITION TO  
PLAINTIFF'S MOTION TO  
COMPEL PRODUCTION  
RELATING TO PLAINTIFF'S  
REQUEST FOR PRODUCTION OF  
DOCUMENTS DATED JULY 2,  
2014**

Date: November 13, 2014  
Time: 3:00 PM  
Crtrm: 3020

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1 Defendant JPMorgan Chase Bank, N.A. (“JPMorgan” or “Defendant”), as  
2 acquirer of certain assets and liabilities of Washington Mutual Bank from the Federal  
3 Deposit Insurance Corporation acting as receiver for Washington Mutual Bank,  
4 erroneously sued as JPMorgan Chase Bank, NA, submits the following Separate  
5 Statement in support of the Opposition to Plaintiff James M. Kelley’s (“Plaintiff”) <sup>1</sup>  
6 Motion to Compel Production of Documents on Plaintiff’s July 2, 2014 Request for  
7 Production of Documents. (“Motion”). JPMorgan specifically responds to Plaintiff’s  
8 Motion to Compel as follows.

9 **REQUEST FOR DOCUMENTS NO. 1:**

10 If the JPMorgan Chase Bank, N.A. contends that the (sic) it is the loan servicer  
11 for either loan produce the business records that that show when it was empowered  
12 and records that show that it continues to be empowered to be the loan servicer for the  
13 First Loan or the Second Loan.

14 **RESPONSE TO REQUEST FOR DOCUMENTS NO. 1:**

15 Objection. Responding Party objects to the request on the grounds that it is  
16 vague and ambiguous. Responding Party further objects to the extent the request is  
17 nonsensical. Responding Party further objects to the extent the request seeks  
18 information that is neither relevant to the subject matter of this litigation nor  
19 reasonably calculated to the discovery of admissible evidence. Responding Party  
20 further objects to the request as duplicative as Responding Party has already produced  
21 its servicing records and the original loan documents for inspection on four (4)  
22 separate occasions to Plaintiff.

23 **REASONS WHY PRODUCTION SHOULD BE DENIED**

24 The objections are proper because JPMorgan has already produced the original  
25 note, credit agreement, and deeds of trust four (4) separate times for Plaintiff’s review  
26 showing that it is the holder of the original loan documents and owner of both of  
27 Plaintiff’s loans. JPMorgan has also produced the electronic loan origination files  
28 relating to both loans. Additionally, JPMorgan produced its electronic loan servicing

records from its electronic database platform called MSP, payment histories screens, investor screens, corporate advance records, all servicing notes, all customer service notes, custodial database, and payee and transaction codes relating to accounting, all of which totals over 2000 pages in documents produced to Plaintiff showing that JPMorgan is the servicer of Plaintiff's loans. Plaintiff has also taken the depositions of its 30(b)(6) witness twice with respect to these records on November 21, 2011 and April 21, 2014, and the deposition of Crystal Davis on August 13, 2014, an accounting manager employee of JPMorgan relating to these documents.

**REQUEST FOR DOCUMENTS NO. 2:**

Produce all documents explaining and authorizing "INV CHG" 12/19/08 (JPM001054).

**RESPONSE TO REQUEST FOR DOCUMENTS NO. 2:**

Objection. Responding Party objects to the request on the grounds that it is vague and ambiguous and overly broad in both time and scope. Responding Party further objects to the extent the request seeks confidential and/or proprietary information not subject to disclosure. Responding Party further objects to the extent the request seeks information protected by the attorney-client privilege and/or the attorney work product doctrine. Responding Party further objects to the extent the request seeks information that is neither relevant to the subject matter of this litigation nor reasonably calculated to the discovery of admissible evidence. Responding Party further objects to the request as duplicative as Responding Party has already produced its servicing records and the original loan documents for inspection on four (4) separate occasions to Plaintiff.

**REASONS WHY PRODUCTION SHOULD BE DENIED**

The objections are proper because JPMorgan has already produced JPM001054 and all other documents with the same notation in its electronic servicing database called MSP, including but not limited to the investor screens showing JPMorgan as the investor (JPM002035), and Plaintiff has taken the deposition of its 30(b)(6)

witness with respect to these records on April 21, 2014, and the deposition of Crystal Davis on August 13, 2014, an accounting manager employee of JPMorgan relating to these documents. Plaintiff's incorrect assumption and speculation on further documentation behind a date notation or an internal accounting code in the servicing records is irrelevant to the issue of whether JPMorgan owns or services the loan and not reasonably calculated to the discovery of admissible evidence. *Wharton v. Lybrand, Ross Bros. & Montgomery*, 41 F.R.D. 177 (E.D.N.Y. 1966)(A motion for production of documents for inspection and copying could not be granted where there was no showing of existence of the documents); *See, also, Tobin v. WKRZ, Inc.*, 12 F.R.D. 200 (D.C.Pa.1952); *Condry v. Buckeye S.S. Co.* 4 F.R.D. 310 (D.C.Pa.1945); *In re Hunter Outdoor Products, Inc., Bkrcty.D.Mass.* 21 B.R. 188 (1982). The "right of a party to obtain discovery is not unlimited. A discovery request must be " 'relevant to the subject matter involved in the pending action' or 'reasonably calculated to lead to the discovery of admissible evidence.' " *Epstein v. MCA, Inc.*, 54 F.3d 1422, 1423 (9th Cir. 1995) *quoting* Fed.R.Civ.P. 26(b)(1)(denying document requests that were not relevant to the subject matter of the litigation); *White v. Skelly Oil Co.*, 11 F.R.D. 80, 81 (W.D. Mo. 1950).

**REQUEST FOR DOCUMENTS NO. 3:**

Produce the business records for "WAMU: 103446606" (JPM001053).

**RESPONSE TO REQUEST FOR DOCUMENTS NO. 3:**

Objection. Responding Party objects to the request on the grounds that it is vague and ambiguous and overly broad in both time and scope. Responding Party further objects to the extent the request seeks confidential and/or proprietary information not subject to disclosure. Responding Party further objects to the extent the request seeks information protected by the attorney-client privilege and/or the attorney work product doctrine. Responding Party further objects to the extent the request seeks information that is neither relevant to the subject matter of this litigation nor reasonably calculated to the discovery of admissible evidence. Responding Party

1 further objects to the request as duplicative as Responding Party has already produced  
2 its servicing records and the original loan documents for inspection on four (4)  
3 separate occasions to Plaintiff.

4 **REASONS WHY PRODUCTION SHOULD BE DENIED**

5 The objections are proper because JPMorgan has already produced JPM001053  
6 and all other documents with the same notation in its electronic servicing database  
7 called MSP, including but not limited to the investor screens showing JPMorgan as  
8 the investor (JPM002035), and Plaintiff has taken the deposition of its 30(b)(6)  
9 witness with respect to these records on April 21, 2014, and the deposition of Crystal  
10 Davis on August 13, 2014, an accounting manager employee of JPMorgan relating to  
11 these documents. Plaintiff's incorrect assumption and speculation on further  
12 documentation behind a date notation or an internal accounting code in the servicing  
13 records is irrelevant to the issue of whether JPMorgan owns or services the loan and  
14 not reasonably calculated to the discovery of admissible evidence. *Wharton v.*  
15 *Lybrand, Ross Bros. & Montgomery*, 41 F.R.D. 177 (E.D.N.Y. 1966)(A motion for  
16 production of documents for inspection and copying could not be granted where there  
17 was no showing of existence of the documents); *See, also, Tobin v. WKRZ, Inc.*, 12  
18 F.R.D. 200 (D.C.Pa.1952); *Condry v. Buckeye S.S. Co.* 4 F.R.D. 310 (D.C.Pa.1945);  
19 *In re Hunter Outdoor Products, Inc., Bkrcty.D.Mass.* 21 B.R. 188 (1982). The "right  
20 of a party to obtain discovery is not unlimited. A discovery request must be " 'relevant  
21 to the subject matter involved in the pending action' or 'reasonably calculated to lead  
22 to the discovery of admissible evidence.' " *Epstein v. MCA, Inc.*, 54 F.3d 1422, 1423  
23 (9th Cir. 1995) *quoting* Fed.R.Civ.P. 26(b)(1)(denying document requests that were  
24 not relevant to the subject matter of the litigation); *White v. Skelly Oil Co.*, 11 F.R.D.  
25 80, 81 (W.D. Mo. 1950).

26 **REQUEST FOR DOCUMENTS NO. 4:**

27 Produce the completed "THE DOCFWD CLIENT DATA FORM WI"  
28 (JPM001054).

**RESPONSE TO REQUEST FOR DOCUMENTS NO. 4:**

Objection. Responding Party objects to the request on the grounds that it is vague and ambiguous. Responding Party further objects to the extent the request seeks confidential and/or proprietary information not subject to disclosure. Responding Party further objects to the extent the request seeks information that is neither relevant to the subject matter of this litigation nor reasonably calculated to the discovery of admissible evidence. Responding Party further objects to the request as duplicative as Responding Party has already produced its servicing records and the original loan documents for inspection on four (4) separate occasions to Plaintiff.

**REASONS WHY PRODUCTION SHOULD BE DENIED**

The objections are proper because JPMorgan has already produced JPM001054 and all other documents with the same notation in its electronic servicing database called MSP, including but not limited to the investor screens showing JPMorgan as the investor (JPM002035), and Plaintiff has taken the deposition of its 30(b)(6) witness with respect to these records on April 21, 2014, and the deposition of Crystal Davis on August 13, 2014, an accounting manager employee of JPMorgan relating to these documents. Plaintiff's incorrect assumption and speculation on further documentation behind a date notation or an internal accounting code in the servicing records is irrelevant to the issue of whether JPMorgan owns or services the loan and not reasonably calculated to the discovery of admissible evidence. *Wharton v. Lybrand, Ross Bros. & Montgomery*, 41 F.R.D. 177 (E.D.N.Y. 1966)(A motion for production of documents for inspection and copying could not be granted where there was no showing of existence of the documents); *See, also, Tobin v. WKRZ, Inc.*, 12 F.R.D. 200 (D.C.Pa.1952); *Condry v. Buckeye S.S. Co.* 4 F.R.D. 310 (D.C.Pa.1945); *In re Hunter Outdoor Products, Inc., Bkrcty.D.Mass.* 21 B.R. 188 (1982). The "right of a party to obtain discovery is not unlimited. A discovery request must be " 'relevant to the subject matter involved in the pending action' or 'reasonably calculated to lead to the discovery of admissible evidence.' " *Epstein v. MCA, Inc.*, 54 F.3d 1422, 1423



(9th Cir. 1995) *quoting* Fed.R.Civ.P. 26(b)(1)(denying document requests that were not relevant to the subject matter of the litigation); *White v. Skelly Oil Co.*, 11 F.R.D. 80, 81 (W.D. Mo. 1950).

**REQUEST FOR DOCUMENTS NO. 5:**

Produce the completed "REVDOCIMAGED DTL DATA FORM" (JPM001053).

**RESPONSE TO REQUEST FOR DOCUMENTS NO. 5:**

Objection. Responding Party objects to the request on the grounds that it is vague and ambiguous. Responding Party further objects to the extent the request seeks confidential and/or proprietary information not subject to disclosure. Responding Party further objects to the extent the request seeks information that is neither relevant to the subject matter of this litigation nor reasonably calculated to the discovery of admissible evidence. Responding Party further objects to the request as duplicative as Responding Party has already produced its servicing records and the original loan documents for inspection on four (4) separate occasions to Plaintiff.

**REASONS WHY PRODUCTION SHOULD BE DENIED**

The objections are proper because JPMorgan has already produced JPM001053 and all other documents with the same notation in its electronic servicing database called MSP, including but not limited to the investor screens showing JPMorgan as the investor (JPM002035), and Plaintiff has taken the deposition of its 30(b)(6) witness with respect to these records on April 21, 2014, and the deposition of Crystal Davis on August 13, 2014, an accounting manager employee of JPMorgan relating to these documents. Plaintiff's incorrect assumption and speculation on further documentation behind a date notation or an internal accounting code in the servicing records is irrelevant to the issue of whether JPMorgan owns or services the loan and not reasonably calculated to the discovery of admissible evidence. *Wharton v. Lybrand, Ross Bros. & Montgomery*, 41 F.R.D. 177 (E.D.N.Y. 1966)(A motion for production of documents for inspection and copying could not be granted where there

1 was no showing of existence of the documents); *See, also, Tobin v. WKRZ, Inc.*, 12  
2 F.R.D. 200 (D.C.Pa.1952); *Condry v. Buckeye S.S. Co.* 4 F.R.D. 310 (D.C.Pa.1945);  
3 *In re Hunter Outdoor Products, Inc., Bkrtcy.D.Mass.* 21 B.R. 188 (1982). The “right  
4 of a party to obtain discovery is not unlimited. A discovery request must be “ ‘relevant  
5 to the subject matter involved in the pending action’ or ‘reasonably calculated to lead  
6 to the discovery of admissible evidence.’ “ *Epstein v. MCA, Inc.*, 54 F.3d 1422, 1423  
7 (9th Cir. 1995) *quoting* Fed.R.Civ.P. 26(b)(1)(denying document requests that were  
8 not relevant to the subject matter of the litigation); *White v. Skelly Oil Co.*, 11 F.R.D.  
9 80, 81 (W.D. Mo. 1950).

10 **REQUEST FOR DOCUMENTS NO. 6:**

11 Produce the completed “THE DOC REVISION DTL DATA FORM”  
12 (JPM001053).

13 **RESPONSE TO REQUEST FOR DOCUMENTS NO. 6:**

14 Objection. Responding Party objects to the request on the grounds that it is  
15 vague and ambiguous. Responding Party further objects to the extent the request seeks  
16 confidential and/or proprietary information not subject to disclosure. Responding  
17 Party further objects to the extent the request seeks information that is neither relevant  
18 to the subject matter of this litigation nor reasonably calculated to the discovery of  
19 admissible evidence. Responding Party further objects to the request as duplicative as  
20 Responding Party has already produced its servicing records and the original loan  
21 documents for inspection on four (4) separate occasions to Plaintiff.

22 **REASONS WHY PRODUCTION SHOULD BE DENIED**

23 The objections are proper because JPMorgan has already produced JPM001053  
24 and all other documents with the same notation in its electronic servicing database  
25 called MSP, including but not limited to the investor screens showing JPMorgan as  
26 the investor (JPM002035), and Plaintiff has taken the deposition of its 30(b)(6)  
27 witness with respect to these records on April 21, 2014, and the deposition of Crystal  
28 Davis on August 13, 2014, an accounting manager employee of JPMorgan relating to



1 these documents. Plaintiff's incorrect assumption and speculation on further  
2 documentation behind a date notation or an internal accounting code in the servicing  
3 records is irrelevant to the issue of whether JPMorgan owns or services the loan and  
4 not reasonably calculated to the discovery of admissible evidence. *Wharton v.*  
5 *Lybrand, Ross Bros. & Montgomery*, 41 F.R.D. 177 (E.D.N.Y. 1966)(A motion for  
6 production of documents for inspection and copying could not be granted where there  
7 was no showing of existence of the documents); *See, also, Tobin v. WKRZ, Inc.*, 12  
8 F.R.D. 200 (D.C.Pa.1952); *Condry v. Buckeye S.S. Co.* 4 F.R.D. 310 (D.C.Pa.1945);  
9 *In re Hunter Outdoor Products, Inc., Bkrcty.D.Mass.* 21 B.R. 188 (1982). The "right  
10 of a party to obtain discovery is not unlimited. A discovery request must be " 'relevant  
11 to the subject matter involved in the pending action' or 'reasonably calculated to lead  
12 to the discovery of admissible evidence.' " *Epstein v. MCA, Inc.*, 54 F.3d 1422, 1423  
13 (9th Cir. 1995) *quoting* Fed.R.Civ.P. 26(b)(1)(denying document requests that were  
14 not relevant to the subject matter of the litigation); *White v. Skelly Oil Co.*, 11 F.R.D.  
15 80, 81 (W.D. Mo. 1950).

16 **REQUEST FOR DOCUMENTS NO. 7:**

17 Produce the completed "THE DOCREVIEW CLIENT DATA FORM"  
18 (JPM001053).

19 **RESPONSE TO REQUEST FOR DOCUMENTS NO. 7:**

20 Objection. Responding Party objects to the request on the grounds that it is  
21 vague and ambiguous. Responding Party further objects to the extent the request seeks  
22 confidential and/or proprietary information not subject to disclosure. Responding  
23 Party further objects to the extent the request seeks information that is neither relevant  
24 to the subject matter of this litigation nor reasonably calculated to the discovery of  
25 admissible evidence. Responding Party further objects to the request as duplicative as  
26 Responding Party has already produced its servicing records and the original loan  
27 documents for inspection on four (4) separate occasions to Plaintiff.

28 ///

1 **REASONS WHY PRODUCTION SHOULD BE DENIED**

2 The objections are proper because JPMorgan has already produced JPM001053  
3 and all other documents with the same notation in its electronic servicing database  
4 called MSP, including but not limited to the investor screens showing JPMorgan as  
5 the investor (JPM002035), and Plaintiff has taken the deposition of its 30(b)(6)  
6 witness with respect to these records on April 21, 2014, and the deposition of Crystal  
7 Davis on August 13, 2014, an accounting manager employee of JPMorgan relating to  
8 these documents. Plaintiff's incorrect assumption and speculation on further  
9 documentation behind a date notation or an internal accounting code in the servicing  
10 records is irrelevant to the issue of whether JPMorgan owns or services the loan and  
11 not reasonably calculated to the discovery of admissible evidence. *Wharton v.*  
12 *Lybrand, Ross Bros. & Montgomery*, 41 F.R.D. 177 (E.D.N.Y. 1966)(A motion for  
13 production of documents for inspection and copying could not be granted where there  
14 was no showing of existence of the documents); *See, also, Tobin v. WKRZ, Inc.*, 12  
15 F.R.D. 200 (D.C.Pa.1952); *Condry v. Buckeye S.S. Co.* 4 F.R.D. 310 (D.C.Pa.1945);  
16 *In re Hunter Outdoor Products, Inc., Bkrcty.D.Mass.* 21 B.R. 188 (1982). The "right  
17 of a party to obtain discovery is not unlimited. A discovery request must be " 'relevant  
18 to the subject matter involved in the pending action' or 'reasonably calculated to lead  
19 to the discovery of admissible evidence.' " *Epstein v. MCA, Inc.*, 54 F.3d 1422, 1423  
20 (9th Cir. 1995) *quoting* Fed.R.Civ.P. 26(b)(1)(denying document requests that were  
21 not relevant to the subject matter of the litigation); *White v. Skelly Oil Co.*, 11 F.R.D.  
22 80, 81 (W.D. Mo. 1950).

23 **REQUEST FOR DOCUMENTS NO. 8:**

24 Produce the completed "THE DOCUMENT EXECUTION DATA FORM"  
25 (JPM001053).

26 **RESPONSE TO REQUEST FOR DOCUMENTS NO. 8:**

27 Objection. Responding Party objects to the request on the grounds that it is  
28 vague and ambiguous. Responding Party further objects to the extent the request seeks

confidential and/or proprietary information not subject to disclosure. Responding Party further objects to the extent the request seeks information that is neither relevant to the subject matter of this litigation nor reasonably calculated to the discovery of admissible evidence. Responding Party further objects to the request as duplicative as Responding Party has already produced its servicing records and the original loan documents for inspection on four (4) separate occasions to Plaintiff.

### **REASONS WHY PRODUCTION SHOULD BE DENIED**

The objections are proper because JPMorgan has already produced JPM001053 and all other documents with the same notation in its electronic servicing database called MSP, including but not limited to the investor screens showing JPMorgan as the investor (JPM002035), and Plaintiff has taken the deposition of its 30(b)(6) witness with respect to these records on April 21, 2014, and the deposition of Crystal Davis on August 13, 2014, an accounting manager employee of JPMorgan relating to these documents. Plaintiff's incorrect assumption and speculation on further documentation behind a date notation or an internal accounting code in the servicing records is irrelevant to the issue of whether JPMorgan owns or services the loan and not reasonably calculated to the discovery of admissible evidence. *Wharton v. Lybrand, Ross Bros. & Montgomery*, 41 F.R.D. 177 (E.D.N.Y. 1966)(A motion for production of documents for inspection and copying could not be granted where there was no showing of existence of the documents); *See, also, Tobin v. WKRZ, Inc.*, 12 F.R.D. 200 (D.C.Pa.1952); *Condry v. Buckeye S.S. Co.* 4 F.R.D. 310 (D.C.Pa.1945); *In re Hunter Outdoor Products, Inc., Bkrcty.D.Mass.* 21 B.R. 188 (1982). The "right of a party to obtain discovery is not unlimited. A discovery request must be " 'relevant to the subject matter involved in the pending action' or 'reasonably calculated to lead to the discovery of admissible evidence.' " *Epstein v. MCA, Inc.*, 54 F.3d 1422, 1423 (9th Cir. 1995) *quoting* Fed.R.Civ.P. 26(b)(1)(denying document requests that were not relevant to the subject matter of the litigation); *White v. Skelly Oil Co.*, 11 F.R.D. 80, 81 (W.D. Mo. 1950).

**REQUEST FOR DOCUMENTS NO. 9:**

Produce the completed “THE EXECDOCCOMP CLIENT DATA FORM” (JPM001055).

**RESPONSE TO REQUEST FOR DOCUMENTS NO. 9:**

Objection. Responding Party objects to the request on the grounds that it is vague and ambiguous. Responding Party further objects to the extent the request seeks confidential and/or proprietary information not subject to disclosure. Responding Party further objects to the extent the request seeks information that is neither relevant to the subject matter of this litigation nor reasonably calculated to the discovery of admissible evidence. Responding Party further objects to the request as duplicative as Responding Party has already produced its servicing records and the original loan documents for inspection on four (4) separate occasions to Plaintiff.

**REASONS WHY PRODUCTION SHOULD BE DENIED**

The objections are proper because JPMorgan has already produced JPM001055 and all other documents with the same notation in its electronic servicing database called MSP, including but not limited to the investor screens showing JPMorgan as the investor (JPM002035), and Plaintiff has taken the deposition of its 30(b)(6) witness with respect to these records on April 21, 2014, and the deposition of Crystal Davis on August 13, 2014, an accounting manager employee of JPMorgan relating to these documents. Plaintiff’s incorrect assumption and speculation on further documentation behind a date notation or an internal accounting code in the servicing records is irrelevant to the issue of whether JPMorgan owns or services the loan and not reasonably calculated to the discovery of admissible evidence. *Wharton v. Lybrand, Ross Bros. & Montgomery*, 41 F.R.D. 177 (E.D.N.Y. 1966)(A motion for production of documents for inspection and copying could not be granted where there was no showing of existence of the documents); *See, also, Tobin v. WKRZ, Inc.*, 12 F.R.D. 200 (D.C.Pa.1952); *Condry v. Buckeye S.S. Co.* 4 F.R.D. 310 (D.C.Pa.1945); *In re Hunter Outdoor Products, Inc., Bkrcty.D.Mass.* 21 B.R. 188 (1982). The “right

1 of a party to obtain discovery is not unlimited. A discovery request must be “ ‘relevant  
2 to the subject matter involved in the pending action’ or ‘reasonably calculated to lead  
3 to the discovery of admissible evidence.’ “ *Epstein v. MCA, Inc.*, 54 F.3d 1422, 1423  
4 (9th Cir. 1995) *quoting* Fed.R.Civ.P. 26(b)(1)(denying document requests that were  
5 not relevant to the subject matter of the litigation); *White v. Skelly Oil Co.*, 11 F.R.D.  
6 80, 81 (W.D. Mo. 1950).

7 **REQUEST FOR DOCUMENTS NO. 10:**

8 Produce the completed “THE MORTGAGE REQUISITE DATA FORM”  
9 (JPM001056).

10 **RESPONSE TO REQUEST FOR DOCUMENTS NO. 10:**

11 Objection. Responding Party objects to the request on the grounds that it is  
12 vague and ambiguous. Responding Party further objects to the extent the request seeks  
13 confidential and/or proprietary information not subject to disclosure. Responding  
14 Party further objects to the extent the request seeks information that is neither relevant  
15 to the subject matter of this litigation nor reasonably calculated to the discovery of  
16 admissible evidence. Responding Party further objects to the request as duplicative as  
17 Responding Party has already produced its servicing records and the original loan  
18 documents for inspection on four (4) separate occasions to Plaintiff.

19 **REASONS WHY PRODUCTION SHOULD BE DENIED**

20 The objections are proper because JPMorgan has already produced JPM001056  
21 and all other documents with the same notation in its electronic servicing database  
22 called MSP, including but not limited to the investor screens showing JPMorgan as  
23 the investor (JPM002035), and Plaintiff has taken the deposition of its 30(b)(6)  
24 witness with respect to these records on April 21, 2014, and the deposition of Crystal  
25 Davis on August 13, 2014, an accounting manager employee of JPMorgan relating to  
26 these documents. Plaintiff’s incorrect assumption and speculation on further  
27 documentation behind a date notation or an internal accounting code in the servicing  
28 records is irrelevant to the issue of whether JPMorgan owns or services the loan and

1 not reasonably calculated to the discovery of admissible evidence. *Wharton v.*  
2 *Lybrand, Ross Bros. & Montgomery*, 41 F.R.D. 177 (E.D.N.Y. 1966)(A motion for  
3 production of documents for inspection and copying could not be granted where there  
4 was no showing of existence of the documents); *See, also, Tobin v. WKRZ, Inc.*, 12  
5 F.R.D. 200 (D.C.Pa.1952); *Condry v. Buckeye S.S. Co.* 4 F.R.D. 310 (D.C.Pa.1945);  
6 *In re Hunter Outdoor Products, Inc., Bkrtcy.D.Mass.* 21 B.R. 188 (1982). The “right  
7 of a party to obtain discovery is not unlimited. A discovery request must be “ ‘relevant  
8 to the subject matter involved in the pending action’ or ‘reasonably calculated to lead  
9 to the discovery of admissible evidence.’ “ *Epstein v. MCA, Inc.*, 54 F.3d 1422, 1423  
10 (9th Cir. 1995) *quoting* Fed.R.Civ.P. 26(b)(1)(denying document requests that were  
11 not relevant to the subject matter of the litigation); *White v. Skelly Oil Co.*, 11 F.R.D.  
12 80, 81 (W.D. Mo. 1950).

13 **REQUEST FOR DOCUMENTS NO. 11:**

14 Produce the completed “THE BI POCDTL DATA FORM” (JPM001056).

15 **RESPONSE TO REQUEST FOR DOCUMENTS NO. 11:**

16 Objection. Responding Party objects to the request on the grounds that it is  
17 vague and ambiguous. Responding Party further objects to the extent the request seeks  
18 confidential and/or proprietary information not subject to disclosure. Responding  
19 Party further objects to the extent the request seeks information that is neither relevant  
20 to the subject matter of this litigation nor reasonably calculated to the discovery of  
21 admissible evidence. Responding Party further objects to the request as duplicative as  
22 Responding Party has already produced its servicing records and the original loan  
23 documents for inspection on four (4) separate occasions to Plaintiff.

24 **REASONS WHY PRODUCTION SHOULD BE DENIED**

25 The objections are proper because JPMorgan has already produced the original  
26 note, credit agreement, and deeds of trust four (4) separate times for Plaintiff’s review  
27 showing that it is the holder of the original loan documents and owner of both of  
28 Plaintiff’s loans. JPMorgan has also produced the electronic loan origination files



1 relating to both loans. Additionally, JPMorgan produced its electronic loan servicing  
2 records from its electronic database platform called MSP, payment histories screens,  
3 investor screens, corporate advance records, all servicing notes, all customer service  
4 notes, custodial database, and payee and transaction codes relating to accounting, all  
5 of which totals over 2000 pages in documents produced to Plaintiff showing that  
6 JPMorgan is the servicer of Plaintiff's loans. Plaintiff has also taken the depositions  
7 of its 30(b)(6) witness twice with respect to these records on November 21, 2011 and  
8 April 21, 2014, and the deposition of Crystal Davis on August 13, 2014, an  
9 accounting manager employee of JPMorgan relating to these documents.

10 **REQUEST FOR DOCUMENTS NO. 12:**

11 Produce the completed "THE B2 POCDTL DATA FORM" (JPM001056).

12 **RESPONSE TO REQUEST FOR DOCUMENTS NO. 12:**

13 Objection. Responding Party objects to the request on the grounds that it is  
14 vague and ambiguous. Responding Party further objects to the extent the request seeks  
15 confidential and/or proprietary information not subject to disclosure. Responding  
16 Party further objects to the extent the request seeks information that is neither relevant  
17 to the subject matter of this litigation nor reasonably calculated to the discovery of  
18 admissible evidence. Responding Party further objects to the request as duplicative as  
19 Responding Party has already produced its servicing records and the original loan  
20 documents for inspection on four (4) separate occasions to Plaintiff.

21 **REASONS WHY PRODUCTION SHOULD BE DENIED**

22 The objections are proper because JPMorgan has already produced JPM001056  
23 and all other documents with the same notation in its electronic servicing database  
24 called MSP, including but not limited to the investor screens showing JPMorgan as  
25 the investor (JPM002035), and Plaintiff has taken the deposition of its 30(b)(6)  
26 witness with respect to these records on April 21, 2014, and the deposition of Crystal  
27 Davis on August 13, 2014, an accounting manager employee of JPMorgan relating to  
28 these documents. Plaintiff's incorrect assumption and speculation on further

1 documentation behind a date notation or an internal accounting code in the servicing  
2 records is irrelevant to the issue of whether JPMorgan owns or services the loan and  
3 not reasonably calculated to the discovery of admissible evidence. *Wharton v.*  
4 *Lybrand, Ross Bros. & Montgomery*, 41 F.R.D. 177 (E.D.N.Y. 1966)(A motion for  
5 production of documents for inspection and copying could not be granted where there  
6 was no showing of existence of the documents); *See, also, Tobin v. WKRZ, Inc.*, 12  
7 F.R.D. 200 (D.C.Pa.1952); *Condry v. Buckeye S.S. Co.* 4 F.R.D. 310 (D.C.Pa.1945);  
8 *In re Hunter Outdoor Products, Inc., Bkrcty.D.Mass.* 21 B.R. 188 (1982). The “right  
9 of a party to obtain discovery is not unlimited. A discovery request must be “ ‘relevant  
10 to the subject matter involved in the pending action’ or ‘reasonably calculated to lead  
11 to the discovery of admissible evidence.’ “ *Epstein v. MCA, Inc.*, 54 F.3d 1422, 1423  
12 (9th Cir. 1995) *quoting* Fed.R.Civ.P. 26(b)(1)(denying document requests that were  
13 not relevant to the subject matter of the litigation); *White v. Skelly Oil Co.*, 11 F.R.D.  
14 80, 81 (W.D. Mo. 1950).

15 **REQUEST FOR DOCUMENTS NO. 13:**

16 Produce the completed “THE F94 VALUATION DATA FORM WI”  
17 (JPM001058).

18 **RESPONSE TO REQUEST FOR DOCUMENTS NO. 13:**

19 Objection. Responding Party objects to the request on the grounds that it is  
20 vague and ambiguous. Responding Party further objects to the extent the request seeks  
21 confidential and/or proprietary information not subject to disclosure. Responding  
22 Party further objects to the extent the request seeks information that is neither relevant  
23 to the subject matter of this litigation nor reasonably calculated to the discovery of  
24 admissible evidence. Responding Party further objects to the request as duplicative as  
25 Responding Party has already produced its servicing records and the original loan  
26 documents for inspection on four (4) separate occasions to Plaintiff.

27 ///

28 ///

1 **REASONS WHY PRODUCTION SHOULD BE DENIED**

2 The objections are proper because JPMorgan has already produced JPM001058  
3 and all other documents with the same notation in its electronic servicing database  
4 called MSP, including but not limited to the investor screens showing JPMorgan as  
5 the investor (JPM002035), and Plaintiff has taken the deposition of its 30(b)(6)  
6 witness with respect to these records on April 21, 2014, and the deposition of Crystal  
7 Davis on August 13, 2014, an accounting manager employee of JPMorgan relating to  
8 these documents. Plaintiff's incorrect assumption and speculation on further  
9 documentation behind a date notation or an internal accounting code in the servicing  
10 records is irrelevant to the issue of whether JPMorgan owns or services the loan and  
11 not reasonably calculated to the discovery of admissible evidence. *Wharton v.*  
12 *Lybrand, Ross Bros. & Montgomery*, 41 F.R.D. 177 (E.D.N.Y. 1966)(A motion for  
13 production of documents for inspection and copying could not be granted where there  
14 was no showing of existence of the documents); *See, also, Tobin v. WKRZ, Inc.*, 12  
15 F.R.D. 200 (D.C.Pa.1952); *Condry v. Buckeye S.S. Co.* 4 F.R.D. 310 (D.C.Pa.1945);  
16 *In re Hunter Outdoor Products, Inc., Bkrcty.D.Mass.* 21 B.R. 188 (1982). The "right  
17 of a party to obtain discovery is not unlimited. A discovery request must be " 'relevant  
18 to the subject matter involved in the pending action' or 'reasonably calculated to lead  
19 to the discovery of admissible evidence.' " *Epstein v. MCA, Inc.*, 54 F.3d 1422, 1423  
20 (9th Cir. 1995) *quoting* Fed.R.Civ.P. 26(b)(1)(denying document requests that were  
21 not relevant to the subject matter of the litigation); *White v. Skelly Oil Co.*, 11 F.R.D.  
22 80, 81 (W.D. Mo. 1950).

23 **REQUEST FOR DOCUMENTS NO. 14:**

24 Produce the business records for the "ORIGINAL OWNER CONDITIONS"  
25 specified in JPM001052 through JPM001223.

26 **RESPONSE TO REQUEST FOR DOCUMENTS NO. 14:**

27 Objection. Responding Party objects to the request on the grounds that it is  
28 vague and ambiguous. Responding Party further objects to the extent the request seeks

confidential and/or proprietary information not subject to disclosure. Responding Party further objects to the extent the request seeks information that is neither relevant to the subject matter of this litigation nor reasonably calculated to the discovery of admissible evidence. Responding Party further objects to the request as duplicative as Responding Party has already produced its servicing records and the original loan documents for inspection on four (4) separate occasions to Plaintiff.

### **REASONS WHY PRODUCTION SHOULD BE DENIED**

The objections are proper because JPMorgan has already produced JPM001052-JPM001223 and all other documents with the same notation in its electronic servicing database called MSP, including but not limited to the investor screens showing JPMorgan as the investor (JPM002035), and Plaintiff has taken the deposition of its 30(b)(6) witness with respect to these records on April 21, 2014, and the deposition of Crystal Davis on August 13, 2014, an accounting manager employee of JPMorgan relating to these documents. Plaintiff's incorrect assumption and speculation on further documentation behind a date notation or an internal accounting code in the servicing records is irrelevant to the issue of whether JPMorgan owns or services the loan and not reasonably calculated to the discovery of admissible evidence. *Wharton v. Lybrand, Ross Bros. & Montgomery*, 41 F.R.D. 177 (E.D.N.Y. 1966)(A motion for production of documents for inspection and copying could not be granted where there was no showing of existence of the documents); *See, also, Tobin v. WKRZ, Inc.*, 12 F.R.D. 200 (D.C.Pa.1952); *Condry v. Buckeye S.S. Co.* 4 F.R.D. 310 (D.C.Pa.1945); *In re Hunter Outdoor Products, Inc.*, *Bkrtcy.D.Mass.* 21 B.R. 188 (1982). The "right of a party to obtain discovery is not unlimited. A discovery request must be " 'relevant to the subject matter involved in the pending action' or 'reasonably calculated to lead to the discovery of admissible evidence.' " *Epstein v. MCA, Inc.*, 54 F.3d 1422, 1423 (9th Cir. 1995) *quoting* Fed.R.Civ.P. 26(b)(1)(denying document requests that were not relevant to the subject matter of the litigation); *White v. Skelly Oil Co.*, 11 F.R.D. 80, 81 (W.D. Mo. 1950).

1 **REQUEST FOR DOCUMENTS NO. 15:**

2 Produce the records for the “Cramdown Referred to Attorney-11/16/2010”  
3 (JPM001175).

4 **RESPONSE TO REQUEST FOR DOCUMENTS NO. 15:**

5 Objection. Responding Party further objects to the extent the request seeks  
6 information protected by the attorney-client privilege and/or the attorney work product  
7 doctrine. Responding Party further objects to the extent the request seeks confidential  
8 and/or proprietary information not subject to disclosure. Responding Party further  
9 objects to the extent the request seeks information that is neither relevant to the  
10 subject matter of this litigation nor reasonably calculated to the discovery of  
11 admissible evidence.

12 **REASONS WHY PRODUCTION SHOULD BE DENIED**

13 The objections are proper because JPMorgan has already produced JPM001175  
14 and all other documents with the same notation in its electronic servicing database  
15 called MSP. The objection is also proper because Plaintiff is seeking a direct attorney-  
16 client communication that is privileged and not subject to disclosure. While the  
17 notation itself is not privileged and therefore properly disclosed on the document,  
18 Plaintiff seeking the privileged communication behind the notation is improper and  
19 the objections are valid. Further, the notation itself has no relevance to Plaintiff’s  
20 claims in the Adversary as it appears to relate the main bankruptcy case. The “right  
21 of a party to obtain discovery is not unlimited. A discovery request must be “ ‘relevant  
22 to the subject matter involved in the pending action’ or ‘reasonably calculated to lead  
23 to the discovery of admissible evidence.’ “ *Epstein v. MCA, Inc.*, 54 F.3d 1422, 1423  
24 (9th Cir. 1995) *quoting* Fed.R.Civ.P. 26(b)(1)(denying document requests that were  
25 not relevant to the subject matter of the litigation); *White v. Skelly Oil Co.*, 11 F.R.D.  
26 80, 81 (W.D. Mo. 1950).

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1 **REQUEST FOR DOCUMENTS NO. 16:**

2 Produce the business records documenting each “Corporate Advance  
3 Adjustment” specified in JPM001052 through JPM001223.

4 **RESPONSE TO REQUEST FOR DOCUMENTS NO. 16:**

5 Objection. Responding Party objects to the request on the grounds that it is  
6 vague and ambiguous. Responding Party further objects to the extent the request seeks  
7 confidential and/or proprietary information not subject to disclosure. Responding  
8 Party further objects to the extent the request seeks information that is neither relevant  
9 to the subject matter of this litigation nor reasonably calculated to the discovery of  
10 admissible evidence. Responding Party further objects to the request as duplicative as  
11 Responding Party has already produced its servicing records and the original loan  
12 documents for inspection on four (4) separate occasions to Plaintiff.

13 **REASONS WHY PRODUCTION SHOULD BE DENIED**

14 The objections are proper because JPMorgan has already produced JPM001052  
15 to JPM001223 and all other documents with the same notation in its electronic  
16 servicing database called MSP, including but not limited to the corporate advance  
17 history screens at JPM2000-2007 and 2024 -2033. Plaintiff has also taken the  
18 deposition of its 30(b)(6) witness with respect to these records on April 21, 2014, and  
19 the deposition of Crystal Davis on August 13, 2014, an accounting manager employee  
20 of JPMorgan relating to these documents. Plaintiff’s incorrect assumption and  
21 speculation on further documentation behind a date notation or an internal accounting  
22 code in the servicing records is irrelevant to the issue of whether JPMorgan owns or  
23 services the loan and not reasonably calculated to the discovery of admissible  
24 evidence. *Wharton v. Lybrand, Ross Bros. & Montgomery*, 41 F.R.D. 177 (E.D.N.Y.  
25 1966)(A motion for production of documents for inspection and copying could not be  
26 granted where there was no showing of existence of the documents); *See, also, Tobin*  
27 *v. WKRZ, Inc.*, 12 F.R.D. 200 (D.C.Pa.1952); *Condry v. Buckeye S.S. Co.* 4 F.R.D.  
28 310 (D.C.Pa.1945); *In re Hunter Outdoor Products, Inc.*, *Bkrtcy.D.Mass.* 21 B.R. 188



(1982). The “right of a party to obtain discovery is not unlimited. A discovery request must be “ ‘relevant to the subject matter involved in the pending action’ or ‘reasonably calculated to lead to the discovery of admissible evidence.’ “ *Epstein v. MCA, Inc.*, 54 F.3d 1422, 1423 (9th Cir. 1995) *quoting* Fed.R.Civ.P. 26(b)(1)(denying document requests that were not relevant to the subject matter of the litigation); *White v. Skelly Oil Co.*, 11 F.R.D. 80, 81 (W.D. Mo. 1950).

**REQUEST FOR DOCUMENTS NO. 17:**

Produce a copy of the “ FFIEC Writeup” specified in JPM002000.

**RESPONSE TO REQUEST FOR DOCUMENTS No. 17:**

Objection. Responding Party objects to the request on the grounds that it is vague and ambiguous. Responding Party further objects to the extent the request seeks confidential and/or proprietary information not subject to disclosure. Responding Party further objects to the extent the request seeks information that is neither relevant to the subject matter of this litigation nor reasonably calculated to the discovery of admissible evidence.

**REASONS WHY PRODUCTION SHOULD BE DENIED**

The objections are proper because JPMorgan has already produced JPM002000 and all other documents with the same notation in its electronic servicing database called MSP, including but not limited to the investor screens showing JPMorgan as the investor (JPM002035), and Plaintiff has taken the deposition of its 30(b)(6) witness with respect to these records on April 21, 2014, and the deposition of Crystal Davis on August 13, 2014, an accounting manager employee of JPMorgan relating to these documents. Plaintiff’s incorrect assumption and speculation on further documentation behind a date notation or an internal accounting code in the servicing records is irrelevant to the issue of whether JPMorgan owns or services the loan and not reasonably calculated to the discovery of admissible evidence. *Wharton v. Lybrand, Ross Bros. & Montgomery*, 41 F.R.D. 177 (E.D.N.Y. 1966)(A motion for production of documents for inspection and copying could not be granted where there

was no showing of existence of the documents); *See, also, Tobin v. WKRZ, Inc.*, 12 F.R.D. 200 (D.C.Pa.1952); *Condry v. Buckeye S.S. Co.* 4 F.R.D. 310 (D.C.Pa.1945); *In re Hunter Outdoor Products, Inc., Bkrtcy.D.Mass.* 21 B.R. 188 (1982). The “right of a party to obtain discovery is not unlimited. A discovery request must be “ ‘relevant to the subject matter involved in the pending action’ or ‘reasonably calculated to lead to the discovery of admissible evidence.’ “ *Epstein v. MCA, Inc.*, 54 F.3d 1422, 1423 (9th Cir. 1995) *quoting* Fed.R.Civ.P. 26(b)(1)(denying document requests that were not relevant to the subject matter of the litigation); *White v. Skelly Oil Co.*, 11 F.R.D. 80, 81 (W.D. Mo. 1950).

#### **REQUEST FOR DOCUMENTS NO. 18:**

Produce business records showing when the X99 Pool was created and the origin of the Notes with which it was populated.

#### **RESPONSE TO REQUEST FOR DOCUMENTS No. 18:**

Objection. Responding Party objects to the request on the grounds that it is vague and ambiguous. Responding Party further objects to the extent the request seeks confidential and/or proprietary information not subject to disclosure. Responding Party further objects to the extent the request seeks information that is neither relevant to the subject matter of this litigation nor reasonably calculated to the discovery of admissible evidence. Responding Party further objects to the request as duplicative as Responding Party has already produced its servicing records and the original loan documents for inspection on four (4) separate occasions to Plaintiff.

#### **REASONS WHY PRODUCTION SHOULD BE DENIED**

The objections are proper because JPMorgan has already produced all documents with the same notation in its electronic servicing database called MSP, including but not limited to the investor screens showing JPMorgan as the investor (JPM002035), and Plaintiff has taken the deposition of its 30(b)(6) witness with respect to these records on April 21, 2014, and the deposition of Crystal Davis on August 13, 2014, an accounting manager employee of JPMorgan relating to these

documents. Plaintiff's incorrect assumption and speculation on further documentation behind a date notation or an internal accounting code in the servicing records is irrelevant to the issue of whether JPMorgan owns or services the loan and not reasonably calculated to the discovery of admissible evidence. *Wharton v. Lybrand, Ross Bros. & Montgomery*, 41 F.R.D. 177 (E.D.N.Y. 1966)(A motion for production of documents for inspection and copying could not be granted where there was no showing of existence of the documents); *See, also, Tobin v. WKRZ, Inc.*, 12 F.R.D. 200 (D.C.Pa.1952); *Condry v. Buckeye S.S. Co.* 4 F.R.D. 310 (D.C.Pa.1945); *In re Hunter Outdoor Products, Inc., Bkrcty.D.Mass.* 21 B.R. 188 (1982). The "right of a party to obtain discovery is not unlimited. A discovery request must be " 'relevant to the subject matter involved in the pending action' or 'reasonably calculated to lead to the discovery of admissible evidence.' " *Epstein v. MCA, Inc.*, 54 F.3d 1422, 1423 (9th Cir. 1995) *quoting* Fed.R.Civ.P. 26(b)(1)(denying document requests that were not relevant to the subject matter of the litigation); *White v. Skelly Oil Co.*, 11 F.R.D. 80, 81 (W.D. Mo. 1950).

**REQUEST FOR DOCUMENTS NO. 19:**

Produce the business records authorizing the trust for the private investor A01/006.

**RESPONSE TO REQUEST FOR DOCUMENTS No. 19:**

Objection. Responding Party objects to the request on the grounds that it is vague and ambiguous. Responding Party further objects to the extent the request seeks confidential and/or proprietary information not subject to disclosure. Responding Party further objects to the extent the request seeks information that is neither relevant to the subject matter of this litigation nor reasonably calculated to the discovery of admissible evidence. Responding Party further objects to the request as duplicative as Responding Party has already produced its servicing records and the original loan documents for inspection on four (4) separate occasions to Plaintiff.

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1 **REASONS WHY PRODUCTION SHOULD BE DENIED**

2 The objections are proper because JPMorgan has already produced all  
3 documents with the same notation in its electronic servicing database called MSP,  
4 including but not limited to the investor screens showing JPMorgan as the investor  
5 (JPM002035), and Plaintiff has taken the deposition of its 30(b)(6) witness with  
6 respect to these records on April 21, 2014, and the deposition of Crystal Davis on  
7 August 13, 2014, an accounting manager employee of JPMorgan relating to these  
8 documents. Plaintiff's incorrect assumption and speculation on further documentation  
9 behind a date notation or an internal accounting code in the servicing records is  
10 irrelevant to the issue of whether JPMorgan owns or services the loan and not  
11 reasonably calculated to the discovery of admissible evidence. *Wharton v. Lybrand*,  
12 *Ross Bros. & Montgomery*, 41 F.R.D. 177 (E.D.N.Y. 1966)(A motion for production  
13 of documents for inspection and copying could not be granted where there was no  
14 showing of existence of the documents); *See, also, Tobin v. WKRZ, Inc.*, 12 F.R.D.  
15 200 (D.C.Pa.1952); *Condry v. Buckeye S.S. Co.* 4 F.R.D. 310 (D.C.Pa.1945); *In re*  
16 *Hunter Outdoor Products, Inc., Bkrcty.D.Mass.* 21 B.R. 188 (1982). The "right of a  
17 party to obtain discovery is not unlimited. A discovery request must be " 'relevant to  
18 the subject matter involved in the pending action' or 'reasonably calculated to lead to  
19 the discovery of admissible evidence.' " *Epstein v. MCA, Inc.*, 54 F.3d 1422, 1423  
20 (9th Cir. 1995) *quoting* Fed.R.Civ.P. 26(b)(1)(denying document requests that were  
21 not relevant to the subject matter of the litigation); *White v. Skelly Oil Co.*, 11 F.R.D.  
22 80, 81 (W.D. Mo. 1950).

23 **REQUEST FOR DOCUMENTS NO. 20:**

24 Produce the business records authorizing the trust for the private investor  
25 A01/013.

26 **RESPONSE TO REQUEST FOR DOCUMENTS No. 20:**

27 Objection. Responding Party objects to the request on the grounds that it is  
28 vague and ambiguous. Responding Party further objects to the extent the request seeks

confidential and/or proprietary information not subject to disclosure. Responding Party further objects to the extent the request seeks information that is neither relevant to the subject matter of this litigation nor reasonably calculated to the discovery of admissible evidence. Responding Party further objects to the request as duplicative as Responding Party has already produced its servicing records and the original loan documents for inspection on four (4) separate occasions to Plaintiff.

### **REASONS WHY PRODUCTION SHOULD BE DENIED**

The objections are proper because JPMorgan has already produced all documents with the same notation in its electronic servicing database called MSP, including but not limited to the investor screens showing JPMorgan as the investor (JPM002035), and Plaintiff has taken the deposition of its 30(b)(6) witness with respect to these records on April 21, 2014, and the deposition of Crystal Davis on August 13, 2014, an accounting manager employee of JPMorgan relating to these documents. Plaintiff's incorrect assumption and speculation on further documentation behind a date notation or an internal accounting code in the servicing records is irrelevant to the issue of whether JPMorgan owns or services the loan and not reasonably calculated to the discovery of admissible evidence. *Wharton v. Lybrand, Ross Bros. & Montgomery*, 41 F.R.D. 177 (E.D.N.Y. 1966)(A motion for production of documents for inspection and copying could not be granted where there was no showing of existence of the documents); *See, also, Tobin v. WKRZ, Inc.*, 12 F.R.D. 200 (D.C.Pa.1952); *Condry v. Buckeye S.S. Co.* 4 F.R.D. 310 (D.C.Pa.1945); *In re Hunter Outdoor Products, Inc., Bkrcty.D.Mass.* 21 B.R. 188 (1982). The "right of a party to obtain discovery is not unlimited. A discovery request must be " 'relevant to the subject matter involved in the pending action' or 'reasonably calculated to lead to the discovery of admissible evidence.' " *Epstein v. MCA, Inc.*, 54 F.3d 1422, 1423 (9th Cir. 1995) *quoting* Fed.R.Civ.P. 26(b)(1)(denying document requests that were not relevant to the subject matter of the litigation); *White v. Skelly Oil Co.*, 11 F.R.D. 80, 81 (W.D. Mo. 1950).

**REQUEST FOR DOCUMENTS NO. 21:**

Produce the business records specifying the trusts used by Washington Mutual Bank for the Single-Family Residence (SFR) loan portfolios.

**RESPONSE TO REQUEST FOR DOCUMENTS No. 21:**

Objection. Responding Party objects to the request on the grounds that it is vague and ambiguous and unintelligible. Responding Party further objects to the extent the request seeks confidential and/or proprietary information not subject to disclosure. Responding Party further objects to the extent the request seeks information that is neither relevant to the subject matter of this litigation nor reasonably calculated to the discovery of admissible evidence.

**REASONS WHY PRODUCTION SHOULD BE DENIED**

The objections are proper because JPMorgan has produced documents showing JPMorgan as the owner of the loans. Plaintiff's incorrect assumption and speculation that some other "trust" owns the loan is simply incorrect and for which documents do not exist. *Wharton v. Lybrand, Ross Bros. & Montgomery*, 41 F.R.D. 177 (E.D.N.Y. 1966)(A motion for production of documents for inspection and copying could not be granted where there was no showing of existence of the documents); *See, also, Tobin v. WKRZ, Inc.*, 12 F.R.D. 200 (D.C.Pa.1952); *Condry v. Buckeye S.S. Co.* 4 F.R.D. 310 (D.C.Pa.1945); *In re Hunter Outdoor Products, Inc., Bkrtcy.D.Mass.* 21 B.R. 188 (1982). The "right of a party to obtain discovery is not unlimited. A discovery request must be " 'relevant to the subject matter involved in the pending action' or 'reasonably calculated to lead to the discovery of admissible evidence.' " *Epstein v. MCA, Inc.*, 54 F.3d 1422, 1423 (9th Cir. 1995) *quoting* Fed.R.Civ.P. 26(b)(1)(denying document requests that were not relevant to the subject matter of the litigation); *White v. Skelly Oil Co.*, 11 F.R.D. 80, 81 (W.D. Mo. 1950).

**REQUEST FOR DOCUMENTS NO. 22:**

Produce the business records specifying the corporations used by Washington Mutual Bank for the Single-Family Residence (SFR) loan portfolios.



**RESPONSE TO REQUEST FOR DOCUMENTS No. 22:**

Objection. Responding Party objects to the request on the grounds that it is vague and ambiguous and unintelligible. Responding Party further objects to the extent the request seeks confidential and/or proprietary information not subject to disclosure. Responding Party further objects to the extent the request seeks information that is neither relevant to the subject matter of this litigation nor reasonably calculated to the discovery of admissible evidence.

**REASONS WHY PRODUCTION SHOULD BE DENIED**

The objections are proper because JPMorgan has produced documents showing JPMorgan as the owner of the loans. Plaintiff's incorrect assumption and speculation that some other "trust" owns the loan is simply incorrect and for which documents do not exist. *Wharton v. Lybrand, Ross Bros. & Montgomery*, 41 F.R.D. 177 (E.D.N.Y. 1966)(A motion for production of documents for inspection and copying could not be granted where there was no showing of existence of the documents); *See, also, Tobin v. WKRZ, Inc.*, 12 F.R.D. 200 (D.C.Pa.1952); *Condry v. Buckeye S.S. Co.* 4 F.R.D. 310 (D.C.Pa.1945); *In re Hunter Outdoor Products, Inc., Bkrcty.D.Mass.* 21 B.R. 188 (1982). The "right of a party to obtain discovery is not unlimited. A discovery request must be " 'relevant to the subject matter involved in the pending action' or 'reasonably calculated to lead to the discovery of admissible evidence.' " *Epstein v. MCA, Inc.*, 54 F.3d 1422, 1423 (9th Cir. 1995) *quoting* Fed.R.Civ.P. 26(b)(1)(denying document requests that were not relevant to the subject matter of the litigation); *White v. Skelly Oil Co.*, 11 F.R.D. 80, 81 (W.D. Mo. 1950).

**REQUEST FOR DOCUMENTS NO. 23:**

Produce the business records identifying investor A11/006 as per JPM002035.

**RESPONSE TO REQUEST FOR DOCUMENTS NO. 23:**

Objection. Responding Party objects to the request on the grounds that it is vague and ambiguous. Responding Party further objects to the extent the request seeks confidential and/or proprietary information not subject to disclosure. Responding

1 Party further objects to the extent the request seeks information that is neither relevant  
2 to the subject matter of this litigation nor reasonably calculated to the discovery of  
3 admissible evidence.

4 **REASONS WHY PRODUCTION SHOULD BE DENIED**

5 The objections are proper because JPMorgan has already produced JPM002035  
6 and all other documents with the same notation in its electronic servicing database  
7 called MSP, including but not limited to the investor screens showing JPMorgan as  
8 the investor (JPM002035), and Plaintiff has taken the deposition of its 30(b)(6)  
9 witness with respect to these records on April 21, 2014, and the deposition of Crystal  
10 Davis on August 13, 2014, an accounting manager employee of JPMorgan relating to  
11 these documents. Plaintiff's incorrect assumption and speculation on further  
12 documentation behind a date notation or an internal accounting code in the servicing  
13 records is irrelevant to the issue of whether JPMorgan owns or services the loan and  
14 not reasonably calculated to the discovery of admissible evidence. *Wharton v.*  
15 *Lybrand, Ross Bros. & Montgomery*, 41 F.R.D. 177 (E.D.N.Y. 1966)(A motion for  
16 production of documents for inspection and copying could not be granted where there  
17 was no showing of existence of the documents); *See, also, Tobin v. WKRZ, Inc.*, 12  
18 F.R.D. 200 (D.C.Pa.1952); *Condry v. Buckeye S.S. Co.* 4 F.R.D. 310 (D.C.Pa.1945);  
19 *In re Hunter Outdoor Products, Inc., Bkrcty.D.Mass.* 21 B.R. 188 (1982). The "right  
20 of a party to obtain discovery is not unlimited. A discovery request must be " 'relevant  
21 to the subject matter involved in the pending action' or 'reasonably calculated to lead  
22 to the discovery of admissible evidence.' " *Epstein v. MCA, Inc.*, 54 F.3d 1422, 1423  
23 (9th Cir. 1995) *quoting* Fed.R.Civ.P. 26(b)(1)(denying document requests that were  
24 not relevant to the subject matter of the litigation); *White v. Skelly Oil Co.*, 11 F.R.D.  
25 80, 81 (W.D. Mo. 1950).

26 **REQUEST FOR DOCUMENTS NO. 24:**

27 Produce the business records authorizing the transfer and sale or pledging of the  
28 first Loan to private investor A11/006 as per JPM002035.

**RESPONSE TO REQUEST FOR DOCUMENTS NO. 24:**

Objection. Responding Party objects to the request on the grounds that it is vague and ambiguous. Responding Party further objects to the extent the request seeks confidential and/or proprietary information not subject to disclosure. Responding Party further objects to the extent the request seeks information that is neither relevant to the subject matter of this litigation nor reasonably calculated to the discovery of admissible evidence.

**REASONS WHY PRODUCTION SHOULD BE DENIED**

The objections are proper because JPMorgan has already produced JPM002035 and all other documents with the same notation in its electronic servicing database called MSP, including but not limited to the investor screens showing JPMorgan as the investor (JPM002035), and Plaintiff has taken the deposition of its 30(b)(6) witness with respect to these records on April 21, 2014, and the deposition of Crystal Davis on August 13, 2014, an accounting manager employee of JPMorgan relating to these documents. Plaintiff's incorrect assumption and speculation on further documentation behind a date notation or an internal accounting code in the servicing records is irrelevant to the issue of whether JPMorgan owns or services the loan and not reasonably calculated to the discovery of admissible evidence. *Wharton v. Lybrand, Ross Bros. & Montgomery*, 41 F.R.D. 177 (E.D.N.Y. 1966)(A motion for production of documents for inspection and copying could not be granted where there was no showing of existence of the documents); *See, also, Tobin v. WKRZ, Inc.*, 12 F.R.D. 200 (D.C.Pa.1952); *Condry v. Buckeye S.S. Co.* 4 F.R.D. 310 (D.C.Pa.1945); *In re Hunter Outdoor Products, Inc., Bkrcty.D.Mass.* 21 B.R. 188 (1982). The "right of a party to obtain discovery is not unlimited. A discovery request must be " 'relevant to the subject matter involved in the pending action' or 'reasonably calculated to lead to the discovery of admissible evidence.' " *Epstein v. MCA, Inc.*, 54 F.3d 1422, 1423 (9th Cir. 1995) *quoting* Fed.R.Civ.P. 26(b)(1)(denying document requests that were not relevant to the subject matter of the litigation); *White v. Skelly Oil Co.*, 11 F.R.D.

80, 81 (W.D. Mo. 1950).

**REQUEST FOR DOCUMENTS NO. 25:**

Produce the business records identifying investor A11/013 as per JPM002035.

**RESPONSE TO REQUEST FOR DOCUMENTS NO. 25:**

Objection. Responding Party objects to the request on the grounds that it is vague and ambiguous. Responding Party further objects to the extent the request seeks confidential and/or proprietary information not subject to disclosure. Responding Party further objects to the extent the request seeks information that is neither relevant to the subject matter of this litigation nor reasonably calculated to the discovery of admissible evidence.

**REASONS WHY PRODUCTION SHOULD BE DENIED**

The objections are proper because JPMorgan has already produced JPM002035 and all other documents with the same notation in its electronic servicing database called MSP, including but not limited to the investor screens showing JPMorgan as the investor (JPM002035), and Plaintiff has taken the deposition of its 30(b)(6) witness with respect to these records on April 21, 2014, and the deposition of Crystal Davis on August 13, 2014, an accounting manager employee of JPMorgan relating to these documents. Plaintiff's incorrect assumption and speculation on further documentation behind a date notation or an internal accounting code in the servicing records is irrelevant to the issue of whether JPMorgan owns or services the loan and not reasonably calculated to the discovery of admissible evidence. *Wharton v. Lybrand, Ross Bros. & Montgomery*, 41 F.R.D. 177 (E.D.N.Y. 1966)(A motion for production of documents for inspection and copying could not be granted where there was no showing of existence of the documents); *See, also, Tobin v. WKRZ, Inc.*, 12 F.R.D. 200 (D.C.Pa.1952); *Condry v. Buckeye S.S. Co.* 4 F.R.D. 310 (D.C.Pa.1945); *In re Hunter Outdoor Products, Inc., Bkrcty.D.Mass.* 21 B.R. 188 (1982). The "right of a party to obtain discovery is not unlimited. A discovery request must be " 'relevant to the subject matter involved in the pending action' or 'reasonably calculated to lead

1 to the discovery of admissible evidence.’ “ *Epstein v. MCA, Inc.*, 54 F.3d 1422, 1423  
2 (9th Cir. 1995) *quoting* Fed.R.Civ.P. 26(b)(1)(denying document requests that were  
3 not relevant to the subject matter of the litigation); *White v. Skelly Oil Co.*, 11 F.R.D.  
4 80, 81 (W.D. Mo. 1950).

5 **REQUEST FOR DOCUMENTS NO. 26:**

6 Produce the business records authorizing the transfer and sale or pledging of the  
7 first Loan AI 1/013 as per JPM002035.

8 **RESPONSE TO REQUEST FOR DOCUMENTS NO. 26:**

9 Objection. Responding Party objects to the request on the grounds that it is  
10 vague and ambiguous. Responding Party further objects to the extent the request seeks  
11 confidential and/or proprietary information not subject to disclosure. Responding  
12 Party further objects to the extent the request seeks information that is neither relevant  
13 to the subject matter of this litigation nor reasonably calculated to the discovery of  
14 admissible evidence. Responding Party further objects to the request as duplicative as  
15 Responding Party has already produced its servicing records and the original loan  
16 documents for inspection on four (4) separate occasions to Plaintiff.

17 **REASONS WHY PRODUCTION SHOULD BE DENIED**

18 The objections are proper because JPMorgan has already produced JPM002035  
19 and all other documents with the same notation in its electronic servicing database  
20 called MSP, including but not limited to the investor screens showing JPMorgan as  
21 the investor (JPM002035), and Plaintiff has taken the deposition of its 30(b)(6)  
22 witness with respect to these records on April 21, 2014, and the deposition of Crystal  
23 Davis on August 13, 2014, an accounting manager employee of JPMorgan relating to  
24 these documents. Plaintiff’s incorrect assumption and speculation on further  
25 documentation behind a date notation or an internal accounting code in the servicing  
26 records is irrelevant to the issue of whether JPMorgan owns or services the loan and  
27 not reasonably calculated to the discovery of admissible evidence. *Wharton v.*  
28 *Lybrand, Ross Bros. & Montgomery*, 41 F.R.D. 177 (E.D.N.Y. 1966)(A motion for

1 production of documents for inspection and copying could not be granted where there  
2 was no showing of existence of the documents); *See, also, Tobin v. WKRZ, Inc.*, 12  
3 F.R.D. 200 (D.C.Pa.1952); *Condry v. Buckeye S.S. Co.* 4 F.R.D. 310 (D.C.Pa.1945);  
4 *In re Hunter Outdoor Products, Inc., Bkrtcy.D.Mass.* 21 B.R. 188 (1982). The “right  
5 of a party to obtain discovery is not unlimited. A discovery request must be “ ‘relevant  
6 to the subject matter involved in the pending action’ or ‘reasonably calculated to lead  
7 to the discovery of admissible evidence.’ “ *Epstein v. MCA, Inc.*, 54 F.3d 1422, 1423  
8 (9th Cir. 1995) *quoting* Fed.R.Civ.P. 26(b)(1)(denying document requests that were  
9 not relevant to the subject matter of the litigation); *White v. Skelly Oil Co.*, 11 F.R.D.  
10 80, 81 (W.D. Mo. 1950).

11 **REQUEST FOR DOCUMENTS NO. 27:**

12 Produce the business records identifying investor X99/013.

13 **RESPONSE TO REQUEST FOR DOCUMENTS NO. 27:**

14 Objection. Responding Party objects to the request on the grounds that it is  
15 vague and ambiguous. Responding Party further objects to the extent the request seeks  
16 confidential and/or proprietary information not subject to disclosure. Responding  
17 Party further objects to the extent the request seeks information that is neither relevant  
18 to the subject matter of this litigation nor reasonably calculated to the discovery of  
19 admissible evidence. Responding Party further objects to the request as duplicative as  
20 Responding Party has already produced its servicing records and the original loan  
21 documents for inspection on four (4) separate occasions to Plaintiff.

22 **REASONS WHY PRODUCTION SHOULD BE DENIED**

23 The objections are proper because JPMorgan has already produced all  
24 documents with the same notation in its electronic servicing database called MSP,  
25 including but not limited to the investor screens showing JPMorgan as the investor  
26 (JPM002035), and Plaintiff has taken the deposition of its 30(b)(6) witness with  
27 respect to these records on April 21, 2014, and the deposition of Crystal Davis on  
28 August 13, 2014, an accounting manager employee of JPMorgan relating to these



documents. Plaintiff's incorrect assumption and speculation on further documentation behind a date notation or an internal accounting code in the servicing records is irrelevant to the issue of whether JPMorgan owns or services the loan and not reasonably calculated to the discovery of admissible evidence. *Wharton v. Lybrand, Ross Bros. & Montgomery*, 41 F.R.D. 177 (E.D.N.Y. 1966)(A motion for production of documents for inspection and copying could not be granted where there was no showing of existence of the documents); *See, also, Tobin v. WKRZ, Inc.*, 12 F.R.D. 200 (D.C.Pa.1952); *Condry v. Buckeye S.S. Co.* 4 F.R.D. 310 (D.C.Pa.1945); *In re Hunter Outdoor Products, Inc., Bkrcty.D.Mass.* 21 B.R. 188 (1982). The "right of a party to obtain discovery is not unlimited. A discovery request must be " 'relevant to the subject matter involved in the pending action' or 'reasonably calculated to lead to the discovery of admissible evidence.' " *Epstein v. MCA, Inc.*, 54 F.3d 1422, 1423 (9th Cir. 1995) *quoting* Fed.R.Civ.P. 26(b)(1)(denying document requests that were not relevant to the subject matter of the litigation); *White v. Skelly Oil Co.*, 11 F.R.D. 80, 81 (W.D. Mo. 1950).

**REQUEST FOR DOCUMENTS NO. 28:**

Produce the business records authorizing the transfer and sale or pledging of the first Loan to investor ID X99/013.

**RESPONSE TO REQUEST FOR DOCUMENTS NO. 28:**

Objection. Responding Party objects to the request on the grounds that it is vague and ambiguous. Responding Party further objects to the extent the request seeks confidential and/or proprietary information not subject to disclosure. Responding Party further objects to the extent the request seeks information that is neither relevant to the subject matter of this litigation nor reasonably calculated to the discovery of admissible evidence. Responding Party further objects to the request as duplicative as Responding Party has already produced its servicing records and the original loan documents for inspection on four (4) separate occasions to Plaintiff.

///

**REASONS WHY PRODUCTION SHOULD BE DENIED**

The objections are proper because JPMorgan has already produced all documents with the same notation in its electronic servicing database called MSP, including but not limited to the investor screens showing JPMorgan as the investor (JPM002035), and Plaintiff has taken the deposition of its 30(b)(6) witness with respect to these records on April 21, 2014, and the deposition of Crystal Davis on August 13, 2014, an accounting manager employee of JPMorgan relating to these documents. Plaintiff's incorrect assumption and speculation on further documentation behind a date notation or an internal accounting code in the servicing records is irrelevant to the issue of whether JPMorgan owns or services the loan and not reasonably calculated to the discovery of admissible evidence. *Wharton v. Lybrand, Ross Bros. & Montgomery*, 41 F.R.D. 177 (E.D.N.Y. 1966)(A motion for production of documents for inspection and copying could not be granted where there was no showing of existence of the documents); *See, also, Tobin v. WKRZ, Inc.*, 12 F.R.D. 200 (D.C.Pa.1952); *Condry v. Buckeye S.S. Co.* 4 F.R.D. 310 (D.C.Pa.1945); *In re Hunter Outdoor Products, Inc., Bkrcty.D.Mass.* 21 B.R. 188 (1982). The "right of a party to obtain discovery is not unlimited. A discovery request must be " 'relevant to the subject matter involved in the pending action' or 'reasonably calculated to lead to the discovery of admissible evidence.' " *Epstein v. MCA, Inc.*, 54 F.3d 1422, 1423 (9th Cir. 1995) *quoting* Fed.R.Civ.P. 26(b)(1)(denying document requests that were not relevant to the subject matter of the litigation); *White v. Skelly Oil Co.*, 11 F.R.D. 80, 81 (W.D. Mo. 1950).

**REQUEST FOR DOCUMENTS NO. 29:**

Produce the business records identifying investor X01/228 as per JPM002035.

**RESPONSE TO REQUEST FOR DOCUMENTS NO. 29:**

Objection. Responding Party objects to the request on the grounds that it is vague and ambiguous. Responding Party further objects to the extent the request seeks confidential and/or proprietary information not subject to disclosure. Responding

1 Party further objects to the extent the request seeks information that is neither relevant  
2 to the subject matter of this litigation nor reasonably calculated to the discovery of  
3 admissible evidence. Responding Party further objects to the request as duplicative as  
4 Responding Party has already produced its servicing records and the original loan  
5 documents for inspection on four (4) separate occasions to Plaintiff.

6 **REASONS WHY PRODUCTION SHOULD BE DENIED**

7 The objections are proper because JPMorgan has already produced all  
8 documents with the same notation in its electronic servicing database called MSP,  
9 including but not limited to the investor screens showing JPMorgan as the investor  
10 (JPM002035), and Plaintiff has taken the deposition of its 30(b)(6) witness with  
11 respect to these records on April 21, 2014, and the deposition of Crystal Davis on  
12 August 13, 2014, an accounting manager employee of JPMorgan relating to these  
13 documents. Plaintiff's incorrect assumption and speculation on further documentation  
14 behind a date notation or an internal accounting code in the servicing records is  
15 irrelevant to the issue of whether JPMorgan owns or services the loan and not  
16 reasonably calculated to the discovery of admissible evidence. *Wharton v. Lybrand*,  
17 *Ross Bros. & Montgomery*, 41 F.R.D. 177 (E.D.N.Y. 1966)(A motion for production  
18 of documents for inspection and copying could not be granted where there was no  
19 showing of existence of the documents); *See, also, Tobin v. WKRZ, Inc.*, 12 F.R.D.  
20 200 (D.C.Pa.1952); *Condry v. Buckeye S.S. Co.* 4 F.R.D. 310 (D.C.Pa.1945); *In re*  
21 *Hunter Outdoor Products, Inc., Bkrtcy.D.Mass.* 21 B.R. 188 (1982). The "right of a  
22 party to obtain discovery is not unlimited. A discovery request must be " 'relevant to  
23 the subject matter involved in the pending action' or 'reasonably calculated to lead to  
24 the discovery of admissible evidence.' " *Epstein v. MCA, Inc.*, 54 F.3d 1422, 1423  
25 (9th Cir. 1995) *quoting* Fed.R.Civ.P. 26(b)(1)(denying document requests that were  
26 not relevant to the subject matter of the litigation); *White v. Skelly Oil Co.*, 11 F.R.D.  
27 80, 81 (W.D. Mo. 1950).

28 ///

1 **REQUEST FOR DOCUMENTS NO. 30:**

2 Produce the business records authorizing the transfer and sale or pledging of  
3 the first Loan to X01/228 as per JPM002035.

4 **RESPONSE TO REQUEST FOR DOCUMENTS NO. 30:**

5 Objection. Responding Party objects to the request on the grounds that it is  
6 vague and ambiguous. Responding Party further objects to the extent the request seeks  
7 confidential and/or proprietary information not subject to disclosure. Responding  
8 Party further objects to the extent the request seeks information that is neither relevant  
9 to the subject matter of this litigation nor reasonably calculated to the discovery of  
10 admissible evidence. Responding Party further objects to the request as duplicative as  
11 Responding Party has already produced its servicing records and the original loan  
12 documents for inspection on four (4) separate occasions to Plaintiff.

13 **REASONS WHY PRODUCTION SHOULD BE DENIED**

14 The objections are proper because JPMorgan has already produced all  
15 documents with the same notation in its electronic servicing database called MSP,  
16 including but not limited to the investor screens showing JPMorgan as the investor  
17 (JPM002035), and Plaintiff has taken the deposition of its 30(b)(6) witness with  
18 respect to these records on April 21, 2014, and the deposition of Crystal Davis on  
19 August 13, 2014, an accounting manager employee of JPMorgan relating to these  
20 documents. Plaintiff's incorrect assumption and speculation on further documentation  
21 behind a date notation or an internal accounting code in the servicing records is  
22 irrelevant to the issue of whether JPMorgan owns or services the loan and not  
23 reasonably calculated to the discovery of admissible evidence. *Wharton v. Lybrand*,  
24 *Ross Bros. & Montgomery*, 41 F.R.D. 177 (E.D.N.Y. 1966)(A motion for production  
25 of documents for inspection and copying could not be granted where there was no  
26 showing of existence of the documents); *See, also, Tobin v. WKRZ, Inc.*, 12 F.R.D.  
27 200 (D.C.Pa.1952); *Condry v. Buckeye S.S. Co.* 4 F.R.D. 310 (D.C.Pa.1945); *In re*  
28 *Hunter Outdoor Products, Inc., Bkrcty.D.Mass.* 21 B.R. 188 (1982). The "right of a

1 party to obtain discovery is not unlimited. A discovery request must be “ ‘relevant to  
2 the subject matter involved in the pending action’ or ‘reasonably calculated to lead to  
3 the discovery of admissible evidence.’ “ *Epstein v. MCA, Inc.*, 54 F.3d 1422, 1423  
4 (9th Cir. 1995) *quoting* Fed.R.Civ.P. 26(b)(1)(denying document requests that were  
5 not relevant to the subject matter of the litigation); *White v. Skelly Oil Co.*, 11 F.R.D.  
6 80, 81 (W.D. Mo. 1950).

7 **REQUEST FOR DOCUMENTS NO. 31:**

8 Produce the business records identifying investor 030/106 as per JPM002035.

9 **RESPONSE TO REQUEST FOR DOCUMENTS NO. 31:**

10 Objection. Responding Party objects to the request on the grounds that it is  
11 vague and ambiguous. Responding Party further objects to the extent the request seeks  
12 confidential and/or proprietary information not subject to disclosure. Responding  
13 Party further objects to the extent the request seeks information that is neither relevant  
14 to the subject matter of this litigation nor reasonably calculated to the discovery of  
15 admissible evidence. Responding Party further objects to the request as duplicative as  
16 Responding Party has already produced its servicing records and the original loan  
17 documents for inspection on four (4) separate occasions to Plaintiff.

18 **REASONS WHY PRODUCTION SHOULD BE DENIED**

19 The objections are proper because JPMorgan has already produced all  
20 documents with the same notation in its electronic servicing database called MSP,  
21 including but not limited to the investor screens showing JPMorgan as the investor  
22 (JPM002035), and Plaintiff has taken the deposition of its 30(b)(6) witness with  
23 respect to these records on April 21, 2014, and the deposition of Crystal Davis on  
24 August 13, 2014, an accounting manager employee of JPMorgan relating to these  
25 documents. Plaintiff’s incorrect assumption and speculation on further documentation  
26 behind a date notation or an internal accounting code in the servicing records is  
27 irrelevant to the issue of whether JPMorgan owns or services the loan and not  
28 reasonably calculated to the discovery of admissible evidence. *Wharton v. Lybrand*,

*Ross Bros. & Montgomery*, 41 F.R.D. 177 (E.D.N.Y. 1966)(A motion for production of documents for inspection and copying could not be granted where there was no showing of existence of the documents); *See, also, Tobin v. WKRZ, Inc.*, 12 F.R.D. 200 (D.C.Pa.1952); *Condry v. Buckeye S.S. Co.* 4 F.R.D. 310 (D.C.Pa.1945); *In re Hunter Outdoor Products, Inc., Bkrcty.D.Mass.* 21 B.R. 188 (1982). The “right of a party to obtain discovery is not unlimited. A discovery request must be “ ‘relevant to the subject matter involved in the pending action’ or ‘reasonably calculated to lead to the discovery of admissible evidence.’ “ *Epstein v. MCA, Inc.*, 54 F.3d 1422, 1423 (9th Cir. 1995) *quoting* Fed.R.Civ.P. 26(b)(1)(denying document requests that were not relevant to the subject matter of the litigation); *White v. Skelly Oil Co.*, 11 F.R.D. 80, 81 (W.D. Mo. 1950).

**REQUEST FOR DOCUMENTS NO. 32:**

Produce the business records authorizing and specifying the business entity corresponding to 030/106 as per JPM002035.

**RESPONSE TO REQUEST FOR DOCUMENTS NO. 32:**

Objection. Responding Party objects to the request on the grounds that it is vague and ambiguous. Responding Party further objects to the extent the request seeks confidential and/or proprietary information not subject to disclosure. Responding Party further objects to the extent the request seeks information that is neither relevant to the subject matter of this litigation nor reasonably calculated to the discovery of admissible evidence. Responding Party further objects to the request as duplicative as Responding Party has already produced its servicing records and the original loan documents for inspection on four (4) separate occasions to Plaintiff.

**REASONS WHY PRODUCTION SHOULD BE DENIED**

The objections are proper because JPMorgan has already produced all documents with the same notation in its electronic servicing database called MSP, including but not limited to the investor screens showing JPMorgan as the investor (JPM002035), and Plaintiff has taken the deposition of its 30(b)(6) witness with



1 respect to these records on April 21, 2014, and the deposition of Crystal Davis on  
2 August 13, 2014, an accounting manager employee of JPMorgan relating to these  
3 documents. Plaintiff's incorrect assumption and speculation on further documentation  
4 behind a date notation or an internal accounting code in the servicing records is  
5 irrelevant to the issue of whether JPMorgan owns or services the loan and not  
6 reasonably calculated to the discovery of admissible evidence. *Wharton v. Lybrand*,  
7 *Ross Bros. & Montgomery*, 41 F.R.D. 177 (E.D.N.Y. 1966)(A motion for production  
8 of documents for inspection and copying could not be granted where there was no  
9 showing of existence of the documents); *See, also, Tobin v. WKRZ, Inc.*, 12 F.R.D.  
10 200 (D.C.Pa.1952); *Condry v. Buckeye S.S. Co.* 4 F.R.D. 310 (D.C.Pa.1945); *In re*  
11 *Hunter Outdoor Products, Inc., Bkrcty.D.Mass.* 21 B.R. 188 (1982). The "right of a  
12 party to obtain discovery is not unlimited. A discovery request must be " 'relevant to  
13 the subject matter involved in the pending action' or 'reasonably calculated to lead to  
14 the discovery of admissible evidence.' " *Epstein v. MCA, Inc.*, 54 F.3d 1422, 1423  
15 (9th Cir. 1995) *quoting* Fed.R.Civ.P. 26(b)(1)(denying document requests that were  
16 not relevant to the subject matter of the litigation); *White v. Skelly Oil Co.*, 11 F.R.D.  
17 80, 81 (W.D. Mo. 1950).

18 **REQUEST FOR DOCUMENTS NO. 33:**

19 Produce the business records identifying client 156 as per JPM002035.

20 **RESPONSE TO REQUEST FOR DOCUMENTS NO. 33:**

21 Objection. Responding Party objects to the request on the grounds that it is  
22 vague and ambiguous. Responding Party further objects to the extent the request seeks  
23 confidential and/or proprietary information not subject to disclosure. Responding  
24 Party further objects to the extent the request seeks information that is neither relevant  
25 to the subject matter of this litigation nor reasonably calculated to the discovery of  
26 admissible evidence. Responding Party further objects to the request as duplicative as  
27 Responding Party has already produced its servicing records and the original loan  
28 documents for inspection on four (4) separate occasions to Plaintiff.

1 **REASONS WHY PRODUCTION SHOULD BE DENIED**

2 The objections are proper because JPMorgan has already produced all  
3 documents with the same notation in its electronic servicing database called MSP,  
4 including but not limited to the investor screens showing JPMorgan as the investor  
5 (JPM002035), and Plaintiff has taken the deposition of its 30(b)(6) witness with  
6 respect to these records on April 21, 2014, and the deposition of Crystal Davis on  
7 August 13, 2014, an accounting manager employee of JPMorgan relating to these  
8 documents. Plaintiff's incorrect assumption and speculation on further documentation  
9 behind a date notation or an internal accounting code in the servicing records is  
10 irrelevant to the issue of whether JPMorgan owns or services the loan and not  
11 reasonably calculated to the discovery of admissible evidence. *Wharton v. Lybrand*,  
12 *Ross Bros. & Montgomery*, 41 F.R.D. 177 (E.D.N.Y. 1966)(A motion for production  
13 of documents for inspection and copying could not be granted where there was no  
14 showing of existence of the documents); *See, also, Tobin v. WKRZ, Inc.*, 12 F.R.D.  
15 200 (D.C.Pa.1952); *Condry v. Buckeye S.S. Co.* 4 F.R.D. 310 (D.C.Pa.1945); *In re*  
16 *Hunter Outdoor Products, Inc., Bkrcty.D.Mass.* 21 B.R. 188 (1982). The "right of a  
17 party to obtain discovery is not unlimited. A discovery request must be " 'relevant to  
18 the subject matter involved in the pending action' or 'reasonably calculated to lead to  
19 the discovery of admissible evidence.' " *Epstein v. MCA, Inc.*, 54 F.3d 1422, 1423  
20 (9th Cir. 1995) *quoting* Fed.R.Civ.P. 26(b)(1)(denying document requests that were  
21 not relevant to the subject matter of the litigation); *White v. Skelly Oil Co.*, 11 F.R.D.  
22 80, 81 (W.D. Mo. 1950).

23 **REQUEST FOR DOCUMENTS NO. 34:**

24 Produce the business records identifying client 908 as per JPM002035.

25 **RESPONSE TO REQUEST FOR DOCUMENTS NO. 34:**

26 Objection. Responding Party objects to the request on the grounds that it is  
27 vague and ambiguous. Responding Party further objects to the extent the request seeks  
28 confidential and/or proprietary information not subject to disclosure. Responding

1 Party further objects to the extent the request seeks information that is neither relevant  
2 to the subject matter of this litigation nor reasonably calculated to the discovery of  
3 admissible evidence. Responding Party further objects to the request as duplicative as  
4 Responding Party has already produced its servicing records and the original loan  
5 documents for inspection on four (4) separate occasions to Plaintiff.

6 **REASONS WHY PRODUCTION SHOULD BE DENIED**

7 The objections are proper because JPMorgan has already produced all  
8 documents with the same notation in its electronic servicing database called MSP,  
9 including but not limited to the investor screens showing JPMorgan as the investor  
10 (JPM002035), and Plaintiff has taken the deposition of its 30(b)(6) witness with  
11 respect to these records on April 21, 2014, and the deposition of Crystal Davis on  
12 August 13, 2014, an accounting manager employee of JPMorgan relating to these  
13 documents. Plaintiff's incorrect assumption and speculation on further documentation  
14 behind a date notation or an internal accounting code in the servicing records is  
15 irrelevant to the issue of whether JPMorgan owns or services the loan and not  
16 reasonably calculated to the discovery of admissible evidence. *Wharton v. Lybrand*,  
17 *Ross Bros. & Montgomery*, 41 F.R.D. 177 (E.D.N.Y. 1966)(A motion for production  
18 of documents for inspection and copying could not be granted where there was no  
19 showing of existence of the documents); *See, also, Tobin v. WKRZ, Inc.*, 12 F.R.D.  
20 200 (D.C.Pa.1952); *Condry v. Buckeye S.S. Co.* 4 F.R.D. 310 (D.C.Pa.1945); *In re*  
21 *Hunter Outdoor Products, Inc., Bkrtcy.D.Mass.* 21 B.R. 188 (1982). The "right of a  
22 party to obtain discovery is not unlimited. A discovery request must be " 'relevant to  
23 the subject matter involved in the pending action' or 'reasonably calculated to lead to  
24 the discovery of admissible evidence.' " *Epstein v. MCA, Inc.*, 54 F.3d 1422, 1423  
25 (9th Cir. 1995) *quoting* Fed.R.Civ.P. 26(b)(1)(denying document requests that were  
26 not relevant to the subject matter of the litigation); *White v. Skelly Oil Co.*, 11 F.R.D.  
27 80, 81 (W.D. Mo. 1950).

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1 **REQUEST FOR DOCUMENTS NO. 35:**

2 Produce the business records relevant to the pledge of the First Loan to the  
3 Federal Home Loan Bank of San Francisco as per JPM002035.

4 **RESPONSE TO REQUEST FOR DOCUMENTS NO. 35:**

5 Objection. Responding Party objects to the request on the grounds that it is  
6 vague and ambiguous. Responding Party further objects to the extent the request seeks  
7 confidential and/or proprietary information not subject to disclosure. Responding  
8 Party further objects to the extent the request seeks information that is neither relevant  
9 to the subject matter of this litigation nor reasonably calculated to the discovery of  
10 admissible evidence. Responding Party further objects to the request as duplicative as  
11 Responding Party has already produced its servicing records and the original loan  
12 documents for inspection on four (4) separate occasions to Plaintiff.

13 **REASONS WHY PRODUCTION SHOULD BE DENIED**

14 The objections are proper because JPMorgan has already produced all  
15 documents with the same notation in its electronic servicing database called MSP,  
16 including but not limited to the investor screens showing JPMorgan as the investor  
17 (JPM002035), and Plaintiff has taken the deposition of its 30(b)(6) witness with  
18 respect to these records on April 21, 2014, and the deposition of Crystal Davis on  
19 August 13, 2014, an accounting manager employee of JPMorgan relating to these  
20 documents. Plaintiff's incorrect assumption and speculation on further documentation  
21 behind a date notation or an internal accounting code in the servicing records is  
22 irrelevant to the issue of whether JPMorgan owns or services the loan and not  
23 reasonably calculated to the discovery of admissible evidence. *Wharton v. Lybrand*,  
24 *Ross Bros. & Montgomery*, 41 F.R.D. 177 (E.D.N.Y. 1966)(A motion for production  
25 of documents for inspection and copying could not be granted where there was no  
26 showing of existence of the documents); *See, also, Tobin v. WKRZ, Inc.*, 12 F.R.D.  
27 200 (D.C.Pa.1952); *Condry v. Buckeye S.S. Co.* 4 F.R.D. 310 (D.C.Pa.1945); *In re*  
28 *Hunter Outdoor Products, Inc., Bkrcty.D.Mass.* 21 B.R. 188 (1982). The "right of a

1 party to obtain discovery is not unlimited. A discovery request must be “ ‘relevant to  
2 the subject matter involved in the pending action’ or ‘reasonably calculated to lead to  
3 the discovery of admissible evidence.’ “ *Epstein v. MCA, Inc.*, 54 F.3d 1422, 1423  
4 (9th Cir. 1995) *quoting* Fed.R.Civ.P. 26(b)(1)(denying document requests that were  
5 not relevant to the subject matter of the litigation); *White v. Skelly Oil Co.*, 11 F.R.D.  
6 80, 81 (W.D. Mo. 1950).

7 **REQUEST FOR DOCUMENTS NO. 36:**

8 Produce the business records authorizing and specifying the transfer of the  
9 First Loan from X01/228 on 9/2/2009 to A01/013 effective March 1, 2008 as per  
10 JPM002035.

11 **RESPONSE TO REQUEST FOR DOCUMENTS NO. 36:**

12 Objection. Responding Party objects to the request on the grounds that it is  
13 vague and ambiguous. Responding Party further objects to the extent the request seeks  
14 confidential and/or proprietary information not subject to disclosure. Responding  
15 Party further objects to the extent the request seeks information that is neither relevant  
16 to the subject matter of this litigation nor reasonably calculated to the discovery of  
17 admissible evidence. Responding Party further objects to the request as duplicative as  
18 Responding Party has already produced its servicing records and the original loan  
19 documents for inspection on four (4) separate occasions to Plaintiff.

20 **REASONS WHY PRODUCTION SHOULD BE DENIED**

21 The objections are proper because JPMorgan has already produced all  
22 documents with the same notation in its electronic servicing database called MSP,  
23 including but not limited to the investor screens showing JPMorgan as the investor  
24 (JPM002035), and Plaintiff has taken the deposition of its 30(b)(6) witness with  
25 respect to these records on April 21, 2014, and the deposition of Crystal Davis on  
26 August 13, 2014, an accounting manager employee of JPMorgan relating to these  
27 documents. Plaintiff’s incorrect assumption and speculation on further documentation  
28 behind a date notation or an internal accounting code in the servicing records is

1 irrelevant to the issue of whether JPMorgan owns or services the loan and not  
2 reasonably calculated to the discovery of admissible evidence. *Wharton v. Lybrand*,  
3 *Ross Bros. & Montgomery*, 41 F.R.D. 177 (E.D.N.Y. 1966)(A motion for production  
4 of documents for inspection and copying could not be granted where there was no  
5 showing of existence of the documents); *See, also, Tobin v. WKRZ, Inc.*, 12 F.R.D.  
6 200 (D.C.Pa.1952); *Condry v. Buckeye S.S. Co.* 4 F.R.D. 310 (D.C.Pa.1945); *In re*  
7 *Hunter Outdoor Products, Inc., Bkrtcy.D.Mass.* 21 B.R. 188 (1982). The “right of a  
8 party to obtain discovery is not unlimited. A discovery request must be “ ‘relevant to  
9 the subject matter involved in the pending action’ or ‘reasonably calculated to lead to  
10 the discovery of admissible evidence.’ “ *Epstein v. MCA, Inc.*, 54 F.3d 1422, 1423  
11 (9th Cir. 1995) *quoting* Fed.R.Civ.P. 26(b)(1)(denying document requests that were  
12 not relevant to the subject matter of the litigation); *White v. Skelly Oil Co.*, 11 F.R.D.  
13 80, 81 (W.D. Mo. 1950).

14 **REQUEST FOR DOCUMENTS NO. 37:**

15 Produce the business records authorizing and specifying the transfer of the  
16 First Loan from A11/006 on 12/19/2008 to A01/013 effective March 1, 2008 as per  
17 JPM002035.

18 **RESPONSE TO REQUEST FOR DOCUMENTS NO. 37:**

19 Objection. Responding Party objects to the request on the grounds that it is  
20 vague and ambiguous. Responding Party further objects to the extent the request seeks  
21 confidential and/or proprietary information not subject to disclosure. Responding  
22 Party further objects to the extent the request seeks information that is neither relevant  
23 to the subject matter of this litigation nor reasonably calculated to the discovery of  
24 admissible evidence. Responding Party further objects to the request as duplicative as  
25 Responding Party has already produced its servicing records and the original loan  
26 documents for inspection on four (4) separate occasions to Plaintiff.

27 ///

28 ///



1 **REASONS WHY PRODUCTION SHOULD BE DENIED**

2 The objections are proper because JPMorgan has already produced all  
3 documents with the same notation in its electronic servicing database called MSP,  
4 including but not limited to the investor screens showing JPMorgan as the investor  
5 (JPM002035), and Plaintiff has taken the deposition of its 30(b)(6) witness with  
6 respect to these records on April 21, 2014, and the deposition of Crystal Davis on  
7 August 13, 2014, an accounting manager employee of JPMorgan relating to these  
8 documents. Plaintiff's incorrect assumption and speculation on further documentation  
9 behind a date notation or an internal accounting code in the servicing records is  
10 irrelevant to the issue of whether JPMorgan owns or services the loan and not  
11 reasonably calculated to the discovery of admissible evidence. *Wharton v. Lybrand*,  
12 *Ross Bros. & Montgomery*, 41 F.R.D. 177 (E.D.N.Y. 1966)(A motion for production  
13 of documents for inspection and copying could not be granted where there was no  
14 showing of existence of the documents); *See, also, Tobin v. WKRZ, Inc.*, 12 F.R.D.  
15 200 (D.C.Pa.1952); *Condry v. Buckeye S.S. Co.* 4 F.R.D. 310 (D.C.Pa.1945); *In re*  
16 *Hunter Outdoor Products, Inc., Bkrcty.D.Mass.* 21 B.R. 188 (1982). The "right of a  
17 party to obtain discovery is not unlimited. A discovery request must be " 'relevant to  
18 the subject matter involved in the pending action' or 'reasonably calculated to lead to  
19 the discovery of admissible evidence.' " *Epstein v. MCA, Inc.*, 54 F.3d 1422, 1423  
20 (9th Cir. 1995) *quoting* Fed.R.Civ.P. 26(b)(1)(denying document requests that were  
21 not relevant to the subject matter of the litigation); *White v. Skelly Oil Co.*, 11 F.R.D.  
22 80, 81 (W.D. Mo. 1950).

23 **REQUEST FOR DOCUMENTS NO. 38:**

24 Produce the business records authorizing and specifying the WAMU 2008  
25 SFR-1 trust.

26 **RESPONSE TO REQUEST FOR DOCUMENTS NO. 38:**

27 Objection. Responding Party objects to the request on the grounds that it is  
28 vague and ambiguous and unintelligible. Responding Party further objects to the

1 extent the request seeks confidential and/or proprietary information not subject to  
2 disclosure. Responding Party further objects to the extent the request seeks  
3 information that is neither relevant to the subject matter of this litigation nor  
4 reasonably calculated to the discovery of admissible evidence.

5 **REASONS WHY PRODUCTION SHOULD BE DENIED**

6 The objections are proper because JPMorgan has produced documents showing  
7 JPMorgan as the owner of the loans. Plaintiff's incorrect assumption and speculation  
8 that some other "trust" owns the loan is simply incorrect and for which documents do  
9 not exist. *Wharton v. Lybrand, Ross Bros. & Montgomery*, 41 F.R.D. 177 (E.D.N.Y.  
10 1966)(A motion for production of documents for inspection and copying could not be  
11 granted where there was no showing of existence of the documents); *See, also, Tobin*  
12 *v. WKRZ, Inc.*, 12 F.R.D. 200 (D.C.Pa.1952); *Condry v. Buckeye S.S. Co.* 4 F.R.D.  
13 310 (D.C.Pa.1945); *In re Hunter Outdoor Products, Inc., Bkrtcy.D.Mass.* 21 B.R. 188  
14 (1982). The "right of a party to obtain discovery is not unlimited. A discovery request  
15 must be " 'relevant to the subject matter involved in the pending action' or  
16 'reasonably calculated to lead to the discovery of admissible evidence.' " *Epstein v.*  
17 *MCA, Inc.*, 54 F.3d 1422, 1423 (9th Cir. 1995) *quoting* Fed.R.Civ.P. 26(b)(1)(denying  
18 document requests that were not relevant to the subject matter of the litigation); *White*  
19 *v. Skelly Oil Co.*, 11 F.R.D. 80, 81 (W.D. Mo. 1950).

20 **REQUEST FOR DOCUMENTS NO. 39:**

21 Produce the business records authorizing and specifying the WAMU 2008  
22 SFR-1 trust.

23 **RESPONSE TO REQUEST FOR DOCUMENTS No. 39:**

24 Objection. Responding Party objects to the request on the grounds that it is  
25 vague and ambiguous and unintelligible. Responding Party further objects to the  
26 extent the request seeks confidential and/or proprietary information not subject to  
27 disclosure. Responding Party further objects to the extent the request seeks  
28 information that is neither relevant to the subject matter of this litigation nor

1 reasonably calculated to the discovery of admissible evidence.

2 **REASONS WHY PRODUCTION SHOULD BE DENIED**

3 The objections are proper because JPMorgan has produced documents showing  
4 JPMorgan as the owner of the loans. Plaintiff's incorrect assumption and speculation  
5 that some other "trust" owns the loan is simply incorrect and for which documents do  
6 not exist. *Wharton v. Lybrand, Ross Bros. & Montgomery*, 41 F.R.D. 177 (E.D.N.Y.  
7 1966)(A motion for production of documents for inspection and copying could not be  
8 granted where there was no showing of existence of the documents); *See, also, Tobin*  
9 *v. WKRZ, Inc.*, 12 F.R.D. 200 (D.C.Pa.1952); *Condry v. Buckeye S.S. Co.* 4 F.R.D.  
10 310 (D.C.Pa.1945); *In re Hunter Outdoor Products, Inc., Bkrcty.D.Mass.* 21 B.R. 188  
11 (1982). The "right of a party to obtain discovery is not unlimited. A discovery request  
12 must be " 'relevant to the subject matter involved in the pending action' or  
13 'reasonably calculated to lead to the discovery of admissible evidence.' " *Epstein v.*  
14 *MCA, Inc.*, 54 F.3d 1422, 1423 (9th Cir. 1995) *quoting* Fed.R.Civ.P. 26(b)(1)(denying  
15 document requests that were not relevant to the subject matter of the litigation); *White*  
16 *v. Skelly Oil Co.*, 11 F.R.D. 80, 81 (W.D. Mo. 1950).

17 **REQUEST FOR DOCUMENTS NO. 40:**

18 Produce the business records voiding the WAMU 2008 SFR-1 Trust.

19 **RESPONSE TO REQUEST FOR DOCUMENTS No. 40:**

20 Objection. Responding Party objects to the request on the grounds that it is  
21 vague and ambiguous and unintelligible. Responding Party further objects to the  
22 extent the request seeks confidential and/or proprietary information not subject to  
23 disclosure. Responding Party further objects to the extent the request seeks  
24 information that is neither relevant to the subject matter of this litigation nor  
25 reasonably calculated to the discovery of admissible evidence.

26 **REASONS WHY PRODUCTION SHOULD BE DENIED**

27 The objections are proper because JPMorgan has produced documents showing  
28 JPMorgan as the owner of the loans. Plaintiff's incorrect assumption and speculation

1 that some other “trust” owns the loan is simply incorrect and for which documents do  
2 not exist. *Wharton v. Lybrand, Ross Bros. & Montgomery*, 41 F.R.D. 177 (E.D.N.Y.  
3 1966)(A motion for production of documents for inspection and copying could not be  
4 granted where there was no showing of existence of the documents); *See, also, Tobin*  
5 *v. WKRZ, Inc.*, 12 F.R.D. 200 (D.C.Pa.1952); *Condry v. Buckeye S.S. Co.* 4 F.R.D.  
6 310 (D.C.Pa.1945); *In re Hunter Outdoor Products, Inc., Bkrtcy.D.Mass.* 21 B.R. 188  
7 (1982). The “right of a party to obtain discovery is not unlimited. A discovery request  
8 must be “ ‘relevant to the subject matter involved in the pending action’ or  
9 ‘reasonably calculated to lead to the discovery of admissible evidence.’ “ *Epstein v.*  
10 *MCA, Inc.*, 54 F.3d 1422, 1423 (9th Cir. 1995) *quoting* Fed.R.Civ.P. 26(b)(1)(denying  
11 document requests that were not relevant to the subject matter of the litigation); *White*  
12 *v. Skelly Oil Co.*, 11 F.R.D. 80, 81 (W.D. Mo. 1950).

13 **REQUEST FOR DOCUMENTS NO. 41:**

14 Produce the business records voiding the WAMU 2008 SFR-2 Trust.

15 **RESPONSE TO REQUEST FOR DOCUMENTS No. 41:**

16 Objection. Responding Party objects to the request on the grounds that it is  
17 vague and ambiguous and unintelligible. Responding Party further objects to the  
18 extent the request seeks confidential and/or proprietary information not subject to  
19 disclosure. Responding Party further objects to the extent the request seeks  
20 information that is neither relevant to the subject matter of this litigation nor  
21 reasonably calculated to the discovery of admissible evidence.

22 **REASONS WHY PRODUCTION SHOULD BE DENIED**

23 The objections are proper because JPMorgan has produced documents showing  
24 JPMorgan as the owner of the loans. Plaintiff’s incorrect assumption and speculation  
25 that some other “trust” owns the loan is simply incorrect and for which documents do  
26 not exist. *Wharton v. Lybrand, Ross Bros. & Montgomery*, 41 F.R.D. 177 (E.D.N.Y.  
27 1966)(A motion for production of documents for inspection and copying could not be  
28 granted where there was no showing of existence of the documents); *See, also, Tobin*

1 *v. WKRZ, Inc.*, 12 F.R.D. 200 (D.C.Pa.1952); *Condry v. Buckeye S.S. Co.* 4 F.R.D.  
2 310 (D.C.Pa.1945); *In re Hunter Outdoor Products, Inc.*, *Bkrtcy.D.Mass.* 21 B.R. 188  
3 (1982). The “right of a party to obtain discovery is not unlimited. A discovery request  
4 must be “ ‘relevant to the subject matter involved in the pending action’ or  
5 ‘reasonably calculated to lead to the discovery of admissible evidence.’ “ *Epstein v.*  
6 *MCA, Inc.*, 54 F.3d 1422, 1423 (9th Cir. 1995) *quoting* Fed.R.Civ.P. 26(b)(1)(denying  
7 document requests that were not relevant to the subject matter of the litigation); *White*  
8 *v. Skelly Oil Co.*, 11 F.R.D. 80, 81 (W.D. Mo. 1950).

9 **REQUEST FOR DOCUMENTS NO. 42:**

10 Produce the documents authorizing and specifying the corporate advances  
11 entered by user “QF5” as per JPM001994 through JPM002023.

12 **RESPONSE TO REQUEST FOR DOCUMENTS No. 42:**

13 Objection. Responding Party objects to the request on the grounds that it is  
14 vague and ambiguous and unintelligible. Responding Party further objects to the  
15 extent the request seeks confidential and/or proprietary information not subject to  
16 disclosure. Responding Party further objects to the extent the request seeks  
17 information that is neither relevant to the subject matter of this litigation nor  
18 reasonably calculated to the discovery of admissible evidence.

19 **REASONS WHY PRODUCTION SHOULD BE DENIED**

20 The objections are proper because JPMorgan has already produced JPM001994  
21 to JPM002023 and all other documents with the same notation in its electronic  
22 servicing database called MSP, including but not limited to the corporate advance  
23 history screens at JPM2000-2007 and 2024 -2033. Plaintiff has also taken the  
24 deposition of its 30(b)(6) witness with respect to these records on April 21, 2014, and  
25 the deposition of Crystal Davis on August 13, 2014, an accounting manager employee  
26 of JPMorgan relating to these documents. Plaintiff’s incorrect assumption and  
27 speculation on further documentation behind a date notation or an internal accounting  
28 code in the servicing records is irrelevant to the issue of whether JPMorgan owns or

services the loan and not reasonably calculated to the discovery of admissible evidence. *Wharton v. Lybrand, Ross Bros. & Montgomery*, 41 F.R.D. 177 (E.D.N.Y. 1966)(A motion for production of documents for inspection and copying could not be granted where there was no showing of existence of the documents); *See, also, Tobin v. WKRZ, Inc.*, 12 F.R.D. 200 (D.C.Pa.1952); *Condry v. Buckeye S.S. Co.* 4 F.R.D. 310 (D.C.Pa.1945); *In re Hunter Outdoor Products, Inc., Bkrtcy.D.Mass.* 21 B.R. 188 (1982). The “right of a party to obtain discovery is not unlimited. A discovery request must be “ ‘relevant to the subject matter involved in the pending action’ or ‘reasonably calculated to lead to the discovery of admissible evidence.’ “ *Epstein v. MCA, Inc.*, 54 F.3d 1422, 1423 (9th Cir. 1995) *quoting* Fed.R.Civ.P. 26(b)(1)(denying document requests that were not relevant to the subject matter of the litigation); *White v. Skelly Oil Co.*, 11 F.R.D. 80, 81 (W.D. Mo. 1950).

**REQUEST FOR DOCUMENTS NO. 43:**

Produce the documents identifying USR (user) “QF5” as per JPM002023.

**RESPONSE TO REQUEST FOR DOCUMENTS No. 43:**

Objection. Responding Party objects to the request on the grounds that it is vague and ambiguous. Responding Party further objects to the extent the request seeks confidential and/or proprietary information not subject to disclosure. Responding Party further objects to the extent the request seeks information that is neither relevant to the subject matter of this litigation nor reasonably calculated to the discovery of admissible evidence.

**REASONS WHY PRODUCTION SHOULD BE DENIED**

The objections are proper because JPMorgan has already produced JPM002023 and all other documents with the same notation for “QF5” in its electronic servicing database called MSP, including but not limited to the corporate advance history screens at JPM2000-2007 and 2024 -2033. Plaintiff’s request is also an improper interrogatory when the request is for documents. Additionally, Plaintiff has also taken the deposition of its 30(b)(6) witness with respect to these records on April 21, 2014,



1 and the deposition of Crystal Davis on August 13, 2014, an accounting manager  
2 employee of JPMorgan relating to these documents and had full opportunity to seek  
3 the identity of an employee then but failed to do so. Disclosure of private employee  
4 information without any reason specified is not warranted and Plaintiff has provided  
5 no explanation for the disclosure requested. Indeed, the information requested is  
6 irrelevant to the issue of whether JPMorgan owns or services the loan and not  
7 reasonably calculated to the discovery of admissible evidence. The “right of a party to  
8 obtain discovery is not unlimited. A discovery request must be “ ‘relevant to the  
9 subject matter involved in the pending action’ or ‘reasonably calculated to lead to the  
10 discovery of admissible evidence.’ “ *Epstein v. MCA, Inc.*, 54 F.3d 1422, 1423 (9th  
11 Cir. 1995) *quoting* Fed.R.Civ.P. 26(b)(1)(denying document requests that were not  
12 relevant to the subject matter of the litigation); *White v. Skelly Oil Co.*, 11 F.R.D. 80,  
13 81 (W.D. Mo. 1950).

14 **REQUEST FOR DOCUMENTS NO. 44:**

15 Produce documents identifying USR (user) “DGR” as per JPM002004.

16 **RESPONSE TO REQUEST FOR DOCUMENTS No. 44:**

17 Objection. Responding Party objects to the request on the grounds that it is  
18 vague and ambiguous. Responding Party further objects to the extent the request seeks  
19 confidential and/or proprietary information not subject to disclosure. Responding  
20 Party further objects to the extent the request seeks information that is neither relevant  
21 to the subject matter of this litigation nor reasonably calculated to the discovery of  
22 admissible evidence.

23 **REASONS WHY PRODUCTION SHOULD BE DENIED**

24 The objections are proper because JPMorgan has already produced JPM002004  
25 and all other documents with the same notation for “DGR” in its electronic servicing  
26 database called MSP, including but not limited to the corporate advance history  
27 screens at JPM2000-2007 and 2024 -2033. Plaintiff’s request is also an improper  
28 interrogatory when the request is for documents. Additionally, Plaintiff has also taken

1 the deposition of its 30(b)(6) witness with respect to these records on April 21, 2014,  
2 and the deposition of Crystal Davis on August 13, 2014, an accounting manager  
3 employee of JPMorgan relating to these documents and had full opportunity to seek  
4 the identity of an employee then but failed to do so. Disclosure of private employee  
5 information without any reason specified is not warranted and Plaintiff has provided  
6 no explanation for the disclosure requested. Indeed, the information requested is  
7 irrelevant to the issue of whether JPMorgan owns or services the loan and not  
8 reasonably calculated to the discovery of admissible evidence. The “right of a party to  
9 obtain discovery is not unlimited. A discovery request must be “ ‘relevant to the  
10 subject matter involved in the pending action’ or ‘reasonably calculated to lead to the  
11 discovery of admissible evidence.’ “ *Epstein v. MCA, Inc.*, 54 F.3d 1422, 1423 (9th  
12 Cir. 1995) *quoting* Fed.R.Civ.P. 26(b)(1)(denying document requests that were not  
13 relevant to the subject matter of the litigation); *White v. Skelly Oil Co.*, 11 F.R.D. 80,  
14 81 (W.D. Mo. 1950).

15 **REQUEST FOR DOCUMENTS NO. 45:**

16 Produce the business records for the each transfer of the Adjustable Rate Note  
17 between July 26, 2007 and the present.

18 **RESPONSE TO REQUEST FOR DOCUMENTS NO. 45:**

19 Objection. Responding Party objects to the request on the grounds that it is  
20 vague and ambiguous. Responding Party further objects to the extent the request seeks  
21 confidential and/or proprietary information not subject to disclosure. Responding  
22 Party further objects to the extent the request seeks information that is neither relevant  
23 to the subject matter of this litigation nor reasonably calculated to the discovery of  
24 admissible evidence. Responding Party further objects to the request as duplicative as  
25 Responding Party has already produced its servicing records and the original loan  
26 documents for inspection on four (4) separate occasions to Plaintiff.

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1 **REASONS WHY PRODUCTION SHOULD BE DENIED**

2 The objections are proper because JPMorgan has already produced the original  
3 note, credit agreement, and deeds of trust four (4) separate times for Plaintiff's review  
4 showing that it is the holder of the original loan documents and owner of both of  
5 Plaintiff's loans. The Purchase and Assumption Agreement between JPMorgan and  
6 the FDIC has also been produced numerous times to Plaintiff in both discovery and  
7 court motions. JPMorgan has also produced the electronic loan origination files  
8 relating to both loans. Additionally, JPMorgan produced its electronic loan servicing  
9 records from its electronic database platform called MSP, payment histories screens,  
10 investor screens, corporate advance records, all servicing notes, all customer service  
11 notes, custodial database, and payee and transaction codes relating to accounting, all  
12 of which totals over 2000 pages in documents produced to Plaintiff showing that  
13 JPMorgan is the servicer of Plaintiff's loans. Plaintiff has also taken the depositions  
14 of its 30(b)(6) witness twice with respect to these records on November 21, 2011 and  
15 April 21, 2014, and the deposition of Crystal Davis on August 13, 2014, an  
16 accounting manager employee of JPMorgan relating to these documents.

17 **REQUEST FOR DOCUMENTS NO. 46:**

18 Produce the business transaction records for the each transfer of the Deed of  
19 Trust for the First Loan between July 26, 2007 and the present.

20 **RESPONSE TO REQUEST FOR DOCUMENTS NO. 46:**

21 Objection. Responding Party objects to the request on the grounds that it is  
22 vague and ambiguous. Responding Party further objects to the extent the request seeks  
23 confidential and/or proprietary information not subject to disclosure. Responding  
24 Party further objects to the extent the request seeks information that is neither relevant  
25 to the subject matter of this litigation nor reasonably calculated to the discovery of  
26 admissible evidence. Responding Party further objects to the request as duplicative as  
27 Responding Party has already produced its servicing records and the original loan  
28 documents for inspection on four (4) separate occasions to Plaintiff.

1 **REASONS WHY PRODUCTION SHOULD BE DENIED**

2 The objections are proper because JPMorgan has already produced the original  
3 note, credit agreement, and deeds of trust four (4) separate times for Plaintiff's review  
4 showing that it is the holder of the original loan documents and owner of both of  
5 Plaintiff's loans. The Purchase and Assumption Agreement between JPMorgan and  
6 the FDIC has also been produced numerous times to Plaintiff in both discovery and  
7 court motions. JPMorgan has also produced the electronic loan origination files  
8 relating to both loans. Additionally, JPMorgan produced its electronic loan servicing  
9 records from its electronic database platform called MSP, payment histories screens,  
10 investor screens, corporate advance records, all servicing notes, all customer service  
11 notes, custodial database, and payee and transaction codes relating to accounting, all  
12 of which totals over 2000 pages in documents produced to Plaintiff showing that  
13 JPMorgan is the servicer of Plaintiff's loans. Plaintiff has also taken the depositions  
14 of its 30(b)(6) witness twice with respect to these records on November 21, 2011 and  
15 April 21, 2014, and the deposition of Crystal Davis on August 13, 2014, an  
16 accounting manager employee of JPMorgan relating to these documents.

17 **REQUEST FOR DOCUMENTS NO. 47:**

18 Produce the business records substantiating the loss of \$436,503.26 prior to  
19 receivership that has been publicly claimed by the Federal Deposit Insurance  
20 Corporation Receiver. (Note: the Receiver claims it does not have the business  
21 records).

22 **RESPONSE TO REQUEST FOR DOCUMENTS NO. 47:**

23 Objection. Responding Party objects to the request as it seeks documents not in  
24 the possession of Responding Party. Responding Party objects to the request on the  
25 grounds that it is vague and ambiguous and overly broad. Responding Party further  
26 objects to the extent the request seeks confidential and/or proprietary information not  
27 subject to disclosure. Responding Party further objects to the extent the request seeks  
28 information that is neither relevant to the subject matter of this litigation nor

1 reasonably calculated to the discovery of admissible evidence. Responding Party  
2 further objects to the request as duplicative as Responding Party has already produced  
3 its servicing records and the original loan documents for inspection on four (4)  
4 separate occasions to Plaintiff.

5 **REASONS WHY PRODUCTION SHOULD BE DENIED**

6 The objections are proper because JPMorgan is not the FDIC and cannot  
7 produce records of the FDIC. Further, JPMorgan has already produced all documents  
8 with the same notation of in its electronic servicing database called MSP. Plaintiff has  
9 taken the deposition of its 30(b)(6) witness with respect to these records on April 21,  
10 2014, and the deposition of Crystal Davis on August 13, 2014, an accounting manager  
11 employee of JPMorgan relating to these documents. Plaintiff's incorrect assumption  
12 and speculation on further documentation behind a date notation or an internal  
13 accounting code in the servicing records is irrelevant to the issue of whether  
14 JPMorgan owns or services the loan, or the debt obligation that Plaintiff must repay.  
15 Therefore the request is not reasonably calculated to the discovery of admissible  
16 evidence. *Wharton v. Lybrand, Ross Bros. & Montgomery*, 41 F.R.D. 177 (E.D.N.Y.  
17 1966)(A motion for production of documents for inspection and copying could not be  
18 granted where there was no showing of existence of the documents); *See, also, Tobin*  
19 *v. WKRZ, Inc.*, 12 F.R.D. 200 (D.C.Pa.1952); *Condry v. Buckeye S.S. Co.* 4 F.R.D.  
20 310 (D.C.Pa.1945); *In re Hunter Outdoor Products, Inc., Bkrtcy.D.Mass.* 21 B.R. 188  
21 (1982). The "right of a party to obtain discovery is not unlimited. A discovery request  
22 must be " 'relevant to the subject matter involved in the pending action' or  
23 'reasonably calculated to lead to the discovery of admissible evidence.' " *Epstein v.*  
24 *MCA, Inc.*, 54 F.3d 1422, 1423 (9th Cir. 1995) *quoting* Fed.R.Civ.P. 26(b)(1)(denying  
25 document requests that were not relevant to the subject matter of the litigation); *White*  
26 *v. Skelly Oil Co.*, 11 F.R.D. 80, 81 (W.D. Mo. 1950).

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1 **REQUEST FOR DOCUMENTS NO. 48:**

2 Produce the business documents that specify the procedures to be used to write  
3 down an impaired loan.

4 **RESPONSE TO REQUEST FOR DOCUMENTS NO. 48:**

5 Objection. Responding Party objects to the request on the grounds that it is  
6 vague and ambiguous and overly broad in time and scope. Responding Party further  
7 objects to the extent the request seeks confidential and/or proprietary information not  
8 subject to disclosure. Responding Party further objects to the extent the request seeks  
9 information that is neither relevant to the subject matter of this litigation nor  
10 reasonably calculated to the discovery of admissible evidence.

11 **REASONS WHY PRODUCTION SHOULD BE DENIED**

12 The objections are proper because Plaintiff seeks policies and procedures  
13 without limitation as to time, scope, or relevance to the claims in the action.  
14 Plaintiff's incorrect assumption and speculation on internal accounting procedures  
15 have no relation to what Plaintiff owes on the loans, his default on the loans, and  
16 continued stalling tactics to forestall foreclosure and delay his Chapter 11 Bankruptcy  
17 case. Indeed the documents sought are irrelevant to the issue of whether JPMorgan  
18 owns or services the loan, what Plaintiff owes on the loans, and not reasonably  
19 calculated to the discovery of admissible evidence. Plaintiff has also taken the  
20 deposition of its 30(b)(6) witness with respect to these records on April 21, 2014, and  
21 the deposition of Crystal Davis on August 13, 2014, an accounting manager employee  
22 of JPMorgan relating to these issues. The "right of a party to obtain discovery is not  
23 unlimited. A discovery request must be " 'relevant to the subject matter involved in  
24 the pending action' or 'reasonably calculated to lead to the discovery of admissible  
25 evidence.' " *Epstein v. MCA, Inc.*, 54 F.3d 1422, 1423 (9th Cir. 1995) *quoting*  
26 *Fed.R.Civ.P. 26(b)(1)*(denying document requests that were not relevant to the subject  
27 matter of the litigation); *White v. Skelly Oil Co.*, 11 F.R.D. 80, 81 (W.D. Mo. 1950).

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**REQUEST FOR DOCUMENTS NO. 49:**

Produce the business documents that specify the procedures to be used to write up an impaired loan.

**RESPONSE TO REQUEST FOR DOCUMENTS NO. 49:**

Objection. Responding Party objects to the request on the grounds that it is vague and ambiguous and overly broad in time and scope. Responding Party further objects to the extent the request seeks confidential and/or proprietary information not subject to disclosure. Responding Party further objects to the extent the request seeks information that is neither relevant to the subject matter of this litigation nor reasonably calculated to the discovery of admissible evidence.

**REASONS WHY PRODUCTION SHOULD BE DENIED**

The objections are proper because Plaintiff seeks policies and procedures without limitation as to time, scope, or relevance to the claims in the action. Plaintiff's incorrect assumption and speculation on internal accounting procedures have no relation to what Plaintiff owes on the loans, his default on the loans, and continued stalling tactics to forestall foreclosure and delay his Chapter 11 Bankruptcy case. Indeed the documents sought are irrelevant to the issue of whether JPMorgan owns or services the loan, what Plaintiff owes on the loans, and not reasonably calculated to the discovery of admissible evidence. Plaintiff has also taken the deposition of its 30(b)(6) witness with respect to these records on April 21, 2014, and the deposition of Crystal Davis on August 13, 2014, an accounting manager employee of JPMorgan relating to these issues. The "right of a party to obtain discovery is not unlimited. A discovery request must be " 'relevant to the subject matter involved in the pending action' or 'reasonably calculated to lead to the discovery of admissible evidence.' " *Epstein v. MCA, Inc.*, 54 F.3d 1422, 1423 (9th Cir. 1995) *quoting* Fed.R.Civ.P. 26(b)(1)(denying document requests that were not relevant to the subject matter of the litigation); *White v. Skelly Oil Co.*, 11 F.R.D. 80, 81 (W.D. Mo. 1950).

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1 **REQUEST FOR DOCUMENTS NO. 50:**

2 Produce the business documents that specify the names all document  
3 custodians and the locations for the First and Second Loan.

4 **RESPONSE TO REQUEST FOR DOCUMENTS NO. 50:**

5 Objection. Responding Party objects to the request on the grounds that it is  
6 vague and ambiguous and overly broad. Responding Party further objects to the extent  
7 the request seeks confidential and/or proprietary information not subject to disclosure.  
8 Responding Party further objects to the extent the request seeks information that is  
9 neither relevant to the subject matter of this litigation nor reasonably calculated to the  
10 discovery of admissible evidence. Responding Party further objects to the request as  
11 duplicative as Responding Party has already produced its servicing records and the  
12 original loan documents for inspection on four (4) separate occasions to Plaintiff.

13 **REASONS WHY PRODUCTION SHOULD BE DENIED**

14 The objections are proper because JPMorgan has already produced the original  
15 note, credit agreement, and deeds of trust four (4) separate times for Plaintiff's review  
16 showing that it is the holder of the original loan documents and owner of both of  
17 Plaintiff's loans. JPMorgan has also produced the electronic loan origination files  
18 relating to both loans. Additionally, JPMorgan produced its electronic loan servicing  
19 records from its electronic database platform called MSP, payment histories screens,  
20 investor screens, corporate advance records, all servicing notes, all customer service  
21 notes, custodial database, and payee and transaction codes relating to accounting, all  
22 of which totals over 2000 pages in documents produced to Plaintiff showing that  
23 JPMorgan is the servicer of Plaintiff's loans. Plaintiff has also taken the depositions  
24 of its 30(b)(6) witness twice with respect to these records on November 21, 2011 and  
25 April 21, 2014, and the deposition of Crystal Davis on August 13, 2014, an  
26 accounting manager employee of JPMorgan relating to these documents.

27 Moreover, JPMorgan can only produce documents in its control custody and  
28 possession, and have already produced documents for its custodian.

1 **REQUEST FOR DOCUMENTS NO. 51:**

2 Produce the business documents that identify or specify “OTHER” Insurance.

3 **RESPONSE TO REQUEST FOR DOCUMENTS NO. 51:**

4 Objection. Responding Party objects to the request on the grounds that it is  
5 vague and ambiguous and overly broad. Responding Party further objects to the extent  
6 the request seeks confidential and/or proprietary information not subject to disclosure.  
7 Responding Party further objects to the extent the request seeks information that is  
8 neither relevant to the subject matter of this litigation nor reasonably calculated to the  
9 discovery of admissible evidence.

10 **REASONS WHY PRODUCTION SHOULD BE DENIED**

11 The objections are proper because JPMorgan has already produced all  
12 documents with the same notation in its electronic servicing database called MSP.  
13 Plaintiff has taken the deposition of its 30(b)(6) witness with respect to these records  
14 on April 21, 2014, and the deposition of Crystal Davis on August 13, 2014, an  
15 accounting manager employee of JPMorgan relating to these documents. More  
16 importantly, both JPMorgan witnesses testified over and over again that no insurance  
17 payments or payments from a 3<sup>rd</sup> party were made on behalf of Plaintiff to discharge  
18 his debt on the loans. Plaintiff’s incorrect assumption and speculation on an internal  
19 accounting notation in the servicing records is irrelevant to the issue of whether  
20 Plaintiff’s debt was discharged as there is evidence and testimony from JPMorgan that  
21 it is not. Plaintiff’s disagreement with the evidence does not make the request valid.  
22 The “right of a party to obtain discovery is not unlimited. A discovery request must be  
23 “ ‘relevant to the subject matter involved in the pending action’ or ‘reasonably  
24 calculated to lead to the discovery of admissible evidence.’ “ *Epstein v. MCA, Inc.*, 54  
25 F.3d 1422, 1423 (9th Cir. 1995) *quoting* Fed.R.Civ.P. 26(b)(1)(denying document  
26 requests that were not relevant to the subject matter of the litigation); *White v. Skelly*  
27 *Oil Co.*, 11 F.R.D. 80, 81 (W.D. Mo. 1950).

28 ///

**REQUEST FOR DOCUMENTS NO. 52:**

Produce the business documents that show the book value of the First and Second Loans on September 26, 2008.

**RESPONSE TO REQUEST FOR DOCUMENTS NO. 52:**

Objection. Responding Party objects to the request on the grounds that it is vague and ambiguous and overly broad. Responding Party further objects to the extent the request seeks confidential and/or proprietary information not subject to disclosure. Responding Party further objects to the extent the request seeks information that is neither relevant to the subject matter of this litigation nor reasonably calculated to the discovery of admissible evidence.

**REASONS WHY PRODUCTION SHOULD BE DENIED**

The objections are proper because JPMorgan has produced the Purchase and Assumption Agreement with the FDIC numerous times and the “book value” for the loans is irrelevant to whether JPMorgan owns the loans, services the loans, or how much Plaintiff still owes on the loans. Plaintiff has taken the deposition of its 30(b)(6) witness on April 21, 2014, and the deposition of Crystal Davis on August 13, 2014, an accounting manager employee of JPMorgan. Both JPMorgan witnesses testified over and over again that no insurance payments or payments from a 3<sup>rd</sup> party were made on behalf of Plaintiff to discharge his debt on the loans. Plaintiff’s incorrect assumption and speculation on that internal accounting notation in the servicing records is irrelevant to the issue of whether Plaintiff’s debt was discharged as there is evidence and testimony from JPMorgan that it is not. Plaintiff’s disagreement with the evidence does not make the request valid. The “right of a party to obtain discovery is not unlimited. A discovery request must be “ ‘relevant to the subject matter involved in the pending action’ or ‘reasonably calculated to lead to the discovery of admissible evidence.’ “ *Epstein v. MCA, Inc.*, 54 F.3d 1422, 1423 (9th Cir. 1995) *quoting* Fed.R.Civ.P. 26(b)(1)(denying document requests that were not relevant to the subject matter of the litigation); *White v. Skelly Oil Co.*, 11 F.R.D. 80, 81 (W.D. Mo. 1950).

1 **REQUEST FOR DOCUMENTS NO. 53:**

2 Produce the business documents that show the amount paid by JPMorgan  
3 Chase Bank, NA to acquire the First or Second Loans.

4 **RESPONSE TO REQUEST FOR DOCUMENTS NO. 53:**

5 Objection. Responding Party objects to the request on the grounds that it is  
6 vague and ambiguous and overly broad. Responding Party further objects to the extent  
7 the request seeks confidential and/or proprietary information not subject to disclosure.  
8 Responding Party further objects to the extent the request seeks information that is  
9 neither relevant to the subject matter of this litigation nor reasonably calculated to the  
10 discovery of admissible evidence.

11 **REASONS WHY PRODUCTION SHOULD BE DENIED**

12 The objections are proper because JPMorgan has produced the Purchase and  
13 Assumption Agreement with the FDIC numerous times and the “amount paid” for the  
14 loans is irrelevant to whether JPMorgan owns the loans, services the loans, or how  
15 much Plaintiff still owes on the loans. Plaintiff has taken the deposition of its 30(b)(6)  
16 witness on April 21, 2014, and the deposition of Crystal Davis on August 13, 2014, an  
17 accounting manager employee of JPMorgan. Both JPMorgan witnesses testified over  
18 and over again that no insurance payments or payments from a 3<sup>rd</sup> party were made on  
19 behalf of Plaintiff to discharge his debt on the loans. Plaintiff’s incorrect assumption  
20 and speculation on that internal accounting notation in the servicing records is  
21 irrelevant to the issue of whether Plaintiff’s debt was discharged as there is evidence  
22 and testimony from JPMorgan that it is not. Plaintiff’s disagreement with the evidence  
23 does not make the request valid.

24  
25  
26 ///

27 ///

28 ///

1 The “right of a party to obtain discovery is not unlimited. A discovery request must be  
2 “ ‘relevant to the subject matter involved in the pending action’ or ‘reasonably  
3 calculated to lead to the discovery of admissible evidence.’ “ *Epstein v. MCA, Inc.*, 54  
4 F.3d 1422, 1423 (9th Cir. 1995) *quoting* Fed.R.Civ.P. 26(b)(1)(denying document  
5 requests that were not relevant to the subject matter of the litigation); *White v. Skelly*  
6 *Oil Co.*, 11 F.R.D. 80, 81 (W.D. Mo. 1950).

7 DATED: October 30, 2014

ALVARADOSMITH  
A Professional Corporation

9 By: /s/ S. Christopher Yoo

10 JOHN M. SORICH  
11 S. CHRISTOPHER YOO  
12 THOMAS S. VAN  
13 Attorneys for Defendant  
14 JPMORGAN CHASE BANK, N.A. AN  
15 ACQUIRER OF CERTAIN ASSETS  
16 AND LIABILITIES OF WASHINGTON  
17 MUTUAL BANK FROM THE FDIC  
18 ACTING AS RECEIVER, erroneously  
19 sued as JPMORGAN CHASE BANK NA  
20  
21  
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24  
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27  
28



**CERTIFICATE/PROOF OF SERVICE**

**U.S. BANKRUPTCY COURT – NORTHERN DISTRICT OF CALIFORNIA**

*In Re James Madison Kelley*

Bankruptcy Case No.: 08-55305 ASW

Adversary Case No.: 10-05245

I am employed in the County of Orange, State of California. I am over the age of 18 years and not a party to the within action. My business address is **ALVARADOSMITH, 1 MacArthur Place, Suite 200, Santa Ana, CA 92707.**

On October 30, 2014, I served the foregoing document described **JPMORGAN CHASE BANK, N.A.'S SEPARATE STATEMENT IN SUPPORT OF OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL PRODUCTION RELATING TO PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS DATED JULY 2, 2014** on the interested parties in this action.

☒ by placing the original and/or a true copy thereof enclosed in (a) sealed envelope(s), addressed as follows:

**SEE ATTACHED SERVICE LIST**

☒ **BY REGULAR MAIL:** I deposited such envelope in the mail at 1 MacArthur Place, Santa Ana, California. The envelope was mailed with postage thereon fully prepaid.

I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one (1) day after date of deposit for mailing in affidavit.

**BY THE ACT OF FILING OR SERVICE, THAT THE DOCUMENT WAS PRODUCED ON PAPER PURCHASED AS RECYCLED.**

☐ **ELECTRONIC SERVICE:** I caused to be delivered by electronic filing on this date each of the above documents, for which our office will maintain the filing receipt, to the following:

*jmadisonkelley@gmail.com*  
*USTPRegion17.SJ.ECF@usdoj.gov*  
*john.wesolowski@usdoj.gov*

☒ **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF"):** The foregoing document will be served by the court via NEF. On October 30, 2014 I checked the CM/ECF docket for this case and determined that the following persons are on the Electronic Mail List to receive NEF transmission at the email address(es) indicated in the attached service list.

☒ (Federal) I declare that I am employed in the office of a member of the Bar of this Court, at whose direction the service was made.  
Executed on October 30, 2014, at Santa Ana, California.

  
Michelle E. Ault

**SERVICE LIST**

*In Re James Madison Kelley*  
Bankruptcy Case No.: 08-55305 ASW  
Adversary Case No.: 10-05245

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